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Statutes  
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# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Third Year of the Reign of Her Majesty  
QUEEN ELIZABETH II

Being the Fourth Session of the Twenty-Fourth  
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE ELEVENTH DAY OF  
FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND FIFTY-FOUR



ONTARIO

HIS HONOUR LOUIS ORVILLE BREITHAAPT  
LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by Baptist Johnston, Printer to the Queen's Most Excellent Majesty  
1954



STATUTES

PROVINCE OF ONTARIO

IN THE YEAR OF THE REIGN OF HER MAJESTY

QUEEN ELIZABETH II

IN THE FIRST YEAR OF HER MAJESTY'S REIGN

CHAP. 1

591675  
25.8.54

AN ACT TO AMEND THE LAW RESPECTING THE REGISTRATION OF VOTERS IN THE PROVINCE OF ONTARIO



ONTARIO



BY HIS HONOURABLE LORDS OF THE EXECUTIVE COUNCIL

IN COUNCIL

1954

Printed and Published by the Queen's Printer, Toronto



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PART I  
PUBLIC ACTS  
Chapters 1 to 107







ONTARIO

### 3 ELIZABETH II

#### CHAPTER 1

#### An Act to amend The Administration of Justice Expenses Act

*Assented to April 6th, 1954*

*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** Section 5 of *The Administration of Justice Expenses Act* Rev. Stat.,  
c. 5, s. 5,  
repealed.  
is repealed.

**2.—(1)** *The Administration of Justice Expenses Act* is Rev. Stat.,  
c. 5,  
amended  
amended by adding thereto the following section:

32a. The Municipality of Metropolitan Toronto shall be Metropolitan  
Toronto  
deemed a  
city  
deemed to be a city for the purposes of this Act.

(2) This section shall be deemed to have come into force on Commence-  
ment of  
section  
the 1st day of January, 1954.

**3.** This Act may be cited as *The Administration of Justice* Short title  
*Expenses Amendment Act, 1954.*



## CHAPTER 2

# An Act to amend The Agricultural Societies Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 26 of *The Agricultural Societies Act*, as amended Rev. Stat., c. 13, s. 26, re-enacted by section 2 of *The Agricultural Societies Amendment Act, 1953*, is repealed and the following substituted therefor:

26. The Minister may make annual grants on account Annual grants on account of capital expenditure of capital expenditure to any society or class of society in such amounts and on such terms and conditions as the regulations may prescribe out of such moneys as are appropriated therefor by the Legislature.

**2.** Section 29 of *The Agricultural Societies Act* is amended Rev. Stat., c. 13, s. 29, amended by adding thereto the following clauses:

(dd) classifying societies;

(ddd) prescribing the terms and conditions on which grants may be made to any society or class of society on account of capital expenditure and prescribing the amounts of such grants or the minimum or maximum amounts of such grants.

**3.** This Act comes into force on the day it receives Royal Commence-ment Assent.

**4.** This Act may be cited as *The Agricultural Societies Amendment Act, 1954*. Short title





## CHAPTER 3

## An Act to amend The Assessment Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *t* of section 1 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 24, s. 1,  
cl. *t*,  
re-enacted

(*t*) "voters' list" means the municipal voters' list prepared under *The Voters' Lists Act, 1951*.

1951, c 93

2.—(1) Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952*, is further amended by striking out the words "or leased by" in the second line, so that the paragraph shall read as follows:

Rev. Stat.,  
c. 24, s. 4,  
par. 9,  
amended

9. The property belonging to any county or municipality or vested in or controlled by any public commission wherever situate and whether occupied for the purposes thereof or unoccupied; but not when occupied by a tenant or lessee, nor when used for parking vehicles where a fee is charged for such parking.

Municipal  
property

(2) Paragraph 18*a* of the said section 4, as enacted by subsection 1 of section 1 of *The Assessment Amendment Act, 1953*, is repealed.

Rev. Stat.,  
c. 24, s. 4,  
par. 18*a*  
(1953,  
c. 6, s. 1,  
subs. 1),  
repealed

3. Section 4*b* of *The Assessment Act*, as enacted by section 2 of *The Assessment Amendment Act, 1953*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 24, s. 4*b*  
(1953,  
c. 6, s. 2),  
re-enacted

4*b*. The council of a town, village or township may by by-law provide that, if any part of a farm exempted under paragraph 18 of section 4 ceases to be used for forestry purposes so as not to come within the purview of the said paragraph, the assessor shall so report to the clerk and that the clerk shall forthwith amend the collector's roll by inserting therein,

(*a*)

- (a) the rates or taxes with which the farm would have been chargeable for the preceding three years if such part of the farm had not been exempt; or
- (b) such portion of such rates or taxes as the by-law may provide or the council may by resolution deem proper,

and such rates or taxes or portion thereof shall be collectable in accordance with such amended roll.

Rev. Stat.,  
c. 24, s. 33,  
subs. 4a  
(1952,  
c. 3, s. 8),  
amended

4.—(1) Subsection 4a of section 33 of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1952*, is amended by striking out the figures “1951” in the seventh line and inserting in lieu thereof the figures “1954”, so that the subsection shall read as follows:

Effect of  
tax sale  
or tax  
certificate  
registration

(4a) Where land, the mining rights in which are liable for acreage tax under *The Mining Tax Act*,

(a) is sold for taxes under this Act; or

Rev. Stat.,  
cc. 237, 96

(b) is vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act*,

on or after the 1st day of April, 1954, such sale or vesting shall create a severance of the surface rights from the mining rights, and only the surface rights in the land shall pass to the tax sale purchaser or vest in the municipality or school board, as the case may be, and the sale or registration shall not in any way affect the mining rights.

Rev. Stat.,  
c. 24, s. 33,  
subs. 4b  
(1952,  
c. 3, s. 8),  
amended

(2) Subsection 4b of the said section 33, as enacted by section 8 of *The Assessment Amendment Act, 1952*, is amended by striking out the figures “1951” in the thirteenth line and inserting in lieu thereof the figures “1954”, so that the subsection shall read as follows:

before  
April 1,  
1954

(4b) Notwithstanding subsection 4a or anything else in this or any other Act but subject to any forfeiture to the Crown legally effected under *The Mining Tax Act* or its predecessor, where land the mining rights in which were liable for acreage tax under *The Mining Tax Act* or its predecessor,

Rev. Stat.,  
c. 237

(a) was sold for taxes under this Act or its predecessor; or

(b)



- (b) was vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act* or its predecessor, Rev. Stat., c. 96

before the 1st day of April, 1954, and there had been, before the sale or registration, no severance of the surface rights from the mining rights, and the sale or certificate purported to vest all rights in the land in the tax sale purchaser or in the municipality or school board, as the case may be, such sale or certificate shall be deemed to have vested in the tax sale purchaser or in the municipality or school board, as the case may be, without severance, both the surface and mining rights.

- (3) Subsection 13 of the said section 33, as enacted by section 8 of *The Assessment Amendment Act, 1953*, is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 33, subs. 13 (1953, c. 6, s. 8), re-enacted

- (13) Land used as woodlands shall not be assessed at a greater value by reason of the presence of the trees thereon nor shall it be assessed at a lesser value by reason of the removal of the trees. Woodlands

- (14) In subsection 13, "woodlands" means lands having not less than 400 trees per acre of all sizes, or 300 trees measuring over two inches in diameter, or 200 trees measuring over five inches in diameter, or 100 trees measuring over eight inches in diameter (all such measurements to be taken at four and one-half feet from the ground) of one or more of the following kinds: white or Norway pine, white or Norway spruce, hemlock, tamarac, oak, ash, elm, hickory, basswood, tulip (white wood), black cherry, walnut, butternut, chestnut, hard maple, soft maple, cedar, sycamore, beech, black locust, or catalpa, or any other variety which may be designated by Order in Council, and which lands have been set apart by the owner with the object chiefly, but not necessarily solely, of fostering the growth of the trees thereon and which are fenced and not used for grazing purposes. Interpretation

5. Section 33a of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1952*, is amended by adding thereto the following subsection: Rev. Stat., c. 24, s. 33a (1952, c. 3, s. 9), amended

- (2a) Notwithstanding subsection 2, where there are no mines profits calculated under section 4 of *The Mining Tax Act*, the payment shall form part of the general funds of the municipality. Idem Rev. Stat., c. 237

Rev. Stat.  
c. 24,  
amended

**6.** *The Assessment Act* is amended by adding thereto the following section:

Taxation on  
assessment  
roll as  
returned

54a.—(1) Notwithstanding subsection 4 of section 54, the council of a municipality may fix and levy the rate of taxation on the assessment taken in the preceding year according to the assessment roll as returned.

Rights of  
appeal  
preserved

(2) Nothing in this section shall in any way deprive any person of any right of appeal provided for in this Act, and the same may be exercised and the appeal proceeded with in accordance with this Act.

Adjustment  
of taxes as  
result of  
appeal

(3) Where as the result of an appeal any assessment is added, reduced, increased or otherwise amended or altered, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and, if the taxes levied have been paid, any overpayment shall be refunded by the municipality.

Rev. Stat.,  
c. 24, s. 69,  
subs. 7,  
amended

**7.** Subsection 7 of section 69 of *The Assessment Act* is amended by striking out the words "alphabetical order of the names of the appellants" in the second line and inserting in lieu thereof the words "sequence of the assessment roll numbers", so that the subsection shall read as follows:

Order of  
hearing  
appeals

(7) The clerk of the court shall enter the appeals on the list in the sequence of the assessment roll numbers, and the court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal.

Rev. Stat.,  
c. 24, s. 80,  
subs. 4,  
re-enacted

**8.** Subsection 4 of section 80 of *The Assessment Act*, as amended by subsection 2 of section 8 of *The Assessment Amendment Act, 1951*, is repealed and the following substituted therefor:

Notice of  
appeal

(4) A notice of appeal to the Board under this section shall, within twenty-one days after notice of the decision appealed from has been given under subsection 22 of section 69 or subsection 2 of section 79, as the case may be, be sent by the party appealing by registered letter to the secretary of the Board and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given.

Rev. Stat.,  
c. 24, s. 124  
(1953,  
c. 6, s. 13),  
subs. 1, cl. a,  
amended

**9.**—(1) Clause *a* of subsection 1 of section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by striking out the words

"real

“real property” in the first line and inserting in lieu thereof the words “a building”, so that the clause shall read as follows:

- (a) in respect of a building which was vacant three months or more during the year; or

(2) Subsection 8 of the said section 124 is amended by striking out the words “real property” in the third line and inserting in lieu thereof the word “building”, so that the subsection, exclusive of the paragraphs, shall read as follows: Rev. Stat., c. 24, s. 124 (1953, c. 6, s. 13), subs. 8, amended

- (8) A cancellation, reduction or refund under clause *a* of subsection 1 shall be made only in respect of taxes levied on the assessed value of the building in accordance with the following: Limitations and restrictions

**10.** Subsection 1 of section 157 of *The Assessment Act* is amended by inserting after the word “cent” in the twenty-first line the words “of the full amount of the taxes for which the land was offered for sale and of the expenses of sale”, so that the subsection shall read as follows: Rev. Stat., c. 24, s. 157, subs. 1, amended

- (1) Notwithstanding section 156, the treasurer shall not be obliged to sell for taxes only a portion of land separately assessed but may sell the whole of such land for the best price offered at the sale, and any money obtained by the treasurer as the price of such land shall be applied, firstly, in paying the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and, secondly, in payment of the taxes, including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land, and the balance, if any, shall be paid by the treasurer to the owner of the land or to such other person as may be authorized by law to receive the same less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same, and it shall be the duty of the person claiming the balance to produce to the treasurer proof of his right to receive the same; provided that the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the purchase price, Mode of selling land for taxes

together

together with ten per cent of the full amount of the taxes for which the land was offered for sale and of the expenses of sale added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 174, and the balance, if any, outstanding of the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 2 of section 156, but if the purchaser is the municipality redemption as aforesaid may be made upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and together with ten per cent added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 174, and together with the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3 of section 156.

1931,  
c. 51,  
ss. 5, 15,  
repealed

**11.**—(1) Sections 5 and 15 of *The Assessment Amendment Act, 1931* are repealed.

1932,  
c. 53, s. 26,  
subs. 1,  
repealed

(2) Subsection 1 of section 26 of *The Statute Law Amendment Act, 1932* is repealed.

1952,  
c. 3, s. 21,  
subs. 4,  
amended

**12.** Subsection 4 of section 21 of *The Assessment Amendment Act, 1952* is amended by striking out the words "a day to be named by the Lieutenant-Governor by his Proclamation" in the first and second lines and inserting in lieu thereof the words "the 15th day of April, 1954", so that the subsection shall read as follows:

Idem

(4) Section 8 comes into force on the 15th day of April, 1954.

Assessment  
of veterans'  
holdings  
under R.S.C.  
1952, c. 280

**13.**—(1) Where, by reason of an annexation or amalgamation or the incorporation of an urban municipality or metropolitan municipality, undue hardship is placed upon veterans holding land in a local municipality under the *Veterans' Land Act* (Canada), the council of the local municipality may by by-law, subject to the approval of the Ontario



Municipal Board, provide that such lands shall be assessed for such percentage of the actual value as the by-law provides.

(2) A by-law passed under subsection 1,

Application  
of by-law

(a) shall apply only to lands held by veterans on the day this Act receives Royal Assent; and

(b) shall cease to apply to any land as soon as the veteran's ownership thereof is established.

**14.**—(1) This Act, except sections 2 and 3, subsection 3 of section 4, and sections 6 and 10, comes into force on the 15th day of April, 1954. <sup>Commence-  
ment</sup>

(2) Subsection 2 of section 2, section 3, subsection 3 of section 4 and section 6 shall be deemed to have come into force on the 1st day of January, 1954. <sup>Idem</sup>

(3) Subsection 1 of section 2 and section 10 come into force on the 1st day of January, 1955. <sup>Idem</sup>

**15.** This Act may be cited as *The Assessment Amendment Act, 1954*. <sup>Short title</sup>



## CHAPTER 4

## The Bees Act, 1954

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpreta-  
tion

- (a) "bee-keeper" means a person who owns or is in possession of an apiary including the bees kept therein;
- (b) "bees" means insects known as *Apis mellifera*;
- (c) "bees-wax refuse" means damaged honeycombs, honeycomb cappings and the material remaining after the first rendering of used honeycombs or honeycomb cappings;
- (d) "disease" means,
  - (i) American foul brood, being the disease of the larvae and pupae of bees caused by organisms known as *Bacillus larvae*,
  - (ii) European foul brood, being the disease of the larvae and pupae of bees caused by organisms known as *Bacillus pluton* or *Bacillus alvei*, and
  - (iii) any disease designated by the regulations as a disease within the meaning of this Act;
- (e) "infected" means infected with the causal organisms of a disease;
- (f) "inspector" means an inspector appointed under this Act;
- (g) "Minister" means Minister of Agriculture;
- (h) "package bees" means bees placed in a screened cage or package without honeycombs for the purpose of being shipped. *New.*

Bees in hive  
private  
property

**2.** Bees reared and kept in hives are private property. R.S.O. 1950, c. 35, s. 2.

Right of  
owner to  
pursue and  
recover  
swarm

**3.**—(1) Subject to subsections 2, 3 and 4, where a swarm of bees leaves a hive, the owner of the swarm may enter upon the premises of any person and recover the swarm. R.S.O. 1950, c. 35, s. 3 (1), *part, amended*.

Where  
owner  
declines to  
pursue  
swarm

(2) Where the owner of a swarm of bees that leaves its hive declines to pursue it and another person takes up the pursuit, such other person is subrogated to all the rights of the owner in respect of the swarm. R.S.O. 1950, c. 35, s. 5, *amended*.

Owner of  
premises to  
be notified

(3) Where the right to recover a swarm of bees is claimed under subsection 1 or 2, the person claiming the swarm shall notify the owner of the premises on which the swarm has settled before entering his premises and shall compensate him for any damage to his premises caused by the entry. R.S.O. 1950, c. 35, s. 3 (1), *part, amended*.

When right  
of property  
in swarm  
lost

(4) Where a swarm of bees leaves a hive and settles in an occupied hive owned by a person other than the owner of the swarm, the owner of the swarm loses all right of property in the swarm. R.S.O. 1950, c. 35, s. 3 (2), *amended*.

Appoint-  
ment of  
Provincial  
Apiarist and  
inspectors

**4.**—(1) The Lieutenant-Governor in Council may appoint a Provincial Apiarist, an Assistant Provincial Apiarist and such inspectors as may be deemed necessary for the administration and enforcement of this Act and the regulations. R.S.O. 1950, c. 35, s. 7 (1), *amended*.

Assistant  
Provincial  
Apiarist

(2) The Assistant Provincial Apiarist shall act in lieu of the Provincial Apiarist in the absence of the Provincial Apiarist or when so instructed to act by him and when so acting has all the powers and may perform any of the duties of the Provincial Apiarist.

Provincial  
Apiarist

(3) The Provincial Apiarist has all the powers and may perform any of the duties of an inspector. *New*.

Duties of  
inspector

(4) It is the duty of an inspector when he deems it necessary or when so instructed by the Provincial Apiarist,

(a) to inspect any bees, hives or equipment pertaining to the keeping of bees to ascertain if any disease exists in such bees, or if such hives or equipment are infected or if the provisions of this Act and the regulations have been complied with or contravened;

(b)



- (b) to inspect any books or records required by this Act or the regulations to be kept by bee-keepers and persons who sell bees. R.S.O. 1950, c. 35, s. 10 (1), *amended*.

(5) With the approval of the Provincial Apiarist, an inspector may employ such persons as he may require to assist him in an inspection and such persons shall be paid such amounts as the Minister may determine. *New.* Employment of persons by inspector

(6) In the performance of his duties under this Act and the regulations, an inspector may at any time between sunrise and sunset enter any premises where bees, hives, equipment or books or records pertaining to the keeping of bees, are kept or stored. R.S.O. 1950, c. 35, s. 7 (2), *amended*. Right of entry

(7) No person shall obstruct the Provincial Apiarist, Assistant Provincial Apiarist or an inspector in the performance of his duties or furnish him with false information. R.S.O. 1950, c. 35, s. 15, *part, amended*. Obstruction of inspector

(8) Every bee-keeper shall, when requested so to do by an inspector, assist the inspector in an inspection on the premises of the bee-keeper. *New.* Assistance of bee-keeper in inspection

5.—(1) Where in the opinion of an inspector disease of a virulent type exists in any bees or the causal organisms of such disease exist in or on any hives or equipment pertaining to the keeping of bees, he may, by order in writing, Destruction of infected bees, etc., on order of inspector

- (a) require the bee-keeper to disinfect such bees, hives or equipment in such manner and within such period as the order may require; or
- (b) require the bee-keeper to destroy by fire, within such period as the order may require, such bees, hives or equipment as in the opinion of the inspector cannot be disinfected.

(2) Where in the opinion of an inspector disease not of a virulent type exists in any bees or the causal organisms of such disease exist in or on any hives or equipment pertaining to the keeping of bees, he may, by order in writing, require the bee-keeper to disinfect such bees, hives or equipment in such manner and within such period as the order may require. Treatment of diseased bees, etc., on order of inspector

(3) If the bee-keeper fails to carry out the instructions in an order given under subsection 1 or 2 within such period as the order requires or if so requested by the bee-keeper, the inspector may carry out the instructions in the order and the bee-keeper shall compensate the inspector for any expenses incurred in carrying out such instructions. Power of inspector to destroy or treat diseased bees, etc.

## Order

(4) Every order under this section shall be delivered to the bee-keeper by an inspector or sent by prepaid post to his last or usual place of abode. R.S.O. 1950, c. 35, s. 10 (2, 3), *amended*.

## Transfer of bees to hives with movable frames

**6.**—(1) Where an inspector finds that bees are kept in a hive without movable frames, he may order that such bees be transferred to hives with movable frames within such period as he may specify.

## Failure of bee-keeper to transfer

(2) If a bee-keeper fails to transfer the bees in accordance with an order under subsection 1, the inspector may destroy the hives and the bees dwelling therein. R.S.O. 1950, c. 35, s. 11, *amended*.

## Appeal

**7.**—(1) Where a bee-keeper deems himself aggrieved by any order of an inspector, he may within five days of the receipt of the order appeal against the order by notice to the Provincial Apiarist.

## Idem

(2) Upon receipt of a notice of appeal, the Provincial Apiarist shall confirm, revoke or modify the order appealed against and shall notify the appellant of his decision by prepaid post and the appellant shall carry out such order as may be given by the Provincial Apiarist in his decision. *New*.

## Information as to the location of hives, etc., to be given inspector

**8.** When requested by an inspector, every bee-keeper shall inform the inspector of the location of all hives and equipment pertaining to the keeping of bees in the possession of the bee-keeper. *New*.

## Concealing existence of disease

**9.** No bee-keeper shall conceal the existence of any disease. *New*.

## Duty of bee-keeper to report existence of disease

**10.** Every bee-keeper who finds the existence of disease of a virulent type in his own apiary or elsewhere shall immediately report the existence of the disease to the Provincial Apiarist. R.S.O. 1950, c. 35, s. 18, *part, amended*.

## Quarantine of bees

**11.**—(1) The Lieutenant-Governor in Council may declare a quarantine of bees in any area in Ontario that he may designate and may fix the duration of the quarantine and the conditions with respect thereto.

## Moving bees to or from quarantine

(2) No person shall move any bees, hives or equipment pertaining to the keeping of bees to or from an area of quarantine without a permit from the Provincial Apiarist. R.S.O. 1950, c. 35, s. 12, *amended*.

## Bees in hive without movable frames

**12.** No bee-keeper shall keep bees in a hive without movable frames. *New*.

**13.**—(1) No bee-keeper shall sell or remove or cause to be removed from his premises any bees, hives or equipment pertaining to the keeping of bees without a permit from the Provincial Apiarist stating that such bees, hives or equipment were inspected and found to be free from disease or infection. Permit required for sale or removal of bees  
R.S.O. 1950, c. 35, ss. 9 (1, 2), 13 (1), 14, *part, amended*.

(2) Subsection 1 does not apply where the bees and equipment are moved by the bee-keeper from his extracting plant to his apiaries or from his apiaries to his extracting plant. Exception  
*New.*

**14.** No person shall receive or transport in any manner within Ontario any bees other than package bees or used hives or used equipment pertaining to the keeping of bees obtained from outside of Ontario without a permit from the Provincial Apiarist stating that he is satisfied that such bees are free from disease and that such used hives or used equipment are not infected. Permit required to receive or transport bees obtained outside Ontario  
R.S.O. 1950, c. 35, s. 13 (2), *amended*.

**15.** No bee-keeper shall expose on his premises or elsewhere any infected honeycomb or honey in such manner that it is accessible to bees. Exposing of infected comb or honey  
*New.*

**16.**—(1) Where dead colonies of bees or honeycombs are exposed in such manner that they are accessible to bees, except where they are exposed for the purpose of cleaning or disinfecting, the Provincial Apiarist may require the bee-keeper to dispose of such colonies and honeycombs in such manner and within such period as the Provincial Apiarist may specify. Disposal of dead colonies of bees, etc.

(2) If the bee-keeper fails to dispose of such colonies and honeycombs as required by the Provincial Apiarist, the Provincial Apiarist may dispose of them and the bee-keeper shall compensate the Provincial Apiarist for any expense incurred in disposing of them. Disposal by inspector  
*New.*

**17.** No person who sells package bees shall use as food for such bees any honey or candy containing honey. Honey prohibited as food for bees  
R.S.O. 1950, c. 35, s. 9 (3), *amended*.

**18.** Every person who receives bees that have been obtained from outside of Ontario shall within ten days of the receipt of such bees notify the Provincial Apiarist that such bees have been received. Bees obtained outside Ontario  
R.S.O. 1950, c. 35, s. 9 (6), *amended*.

**19.** No person shall spray or dust fruit trees during the period within which such trees are in bloom with a mixture containing any poisonous substance injurious to bees unless almost all the blossoms have fallen from the trees. Spraying of fruit trees  
R.S.O. 1950, c. 35, s. 6 (1).

Location of  
hives

**20.**—(1) No hives containing bees shall be placed or left within thirty feet of a highway, dwelling or cultivated field.

Exception

(2) Subsection 1 does not apply to hives placed or left on lands where the lands are separated from the highway, dwelling or cultivated field by a hedge or solid fence at least seven feet in height and extending at least fifteen feet from the hives in both directions. R.S.O. 1950, c. 35, s. 22 (1, 2), *amended*.

Transporting  
of used  
containers

**21.** No person shall sell, transport or ship within Ontario any used honey container that has not been properly cleansed. R.S.O. 1950, c. 35, s. 23, *part, amended*.

Certificate of  
registration

**22.**—(1) No person shall keep bees in Ontario without a certificate of registration from the Provincial Apiarist.

Application

(2) Every application for a certificate of registration shall be made to the Provincial Apiarist, accompanied by the prescribed fee.

Expiry

(3) Every certificate of registration expires on the 31st day of May in each year. R.S.O. 1950, c. 35, s. 8 (1-4), *amended*.

Bees-wax  
refuse and  
used honey-  
combs

**23.** No person shall buy, sell or transport bees-wax refuse or used honeycombs between the 1st day of April and the 1st day of December in any year without a permit from the Provincial Apiarist. R.S.O. 1950, c. 35, s. 20, cl. (e), *amended*.

Records and  
returns

**24.** Every bee-keeper and every person who sells bees shall,

(a) keep such books and records as the regulations may prescribe; and

(b) make such returns in such manner and at such times as the regulations may prescribe. R.S.O. 1950, c. 35, s. 9 (5), *amended*.

Offence and  
penalty

**25.** Every person who contravenes or fails to comply with this Act or the regulations or any order of the Provincial Apiarist, Assistant Provincial Apiarist or an inspector is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$50 for a first offence and to a penalty of not less than \$25 and not more than \$100 or to imprisonment for a term of not more than thirty days for any subsequent offence. R.S.O. 1950, c. 35, ss. 6 (2), 8 (5), 9 (4), 13 (3), 14 *part*, 15 *part*, 18 *part*, 22 (3), 23 *part, amended*.



**26.** The Lieutenant-Governor in Council may make Regulations regulations,

- (a) prescribing the fees that shall be paid for a certificate of registration; R.S.O. 1950, c. 35, s. 20, cl. (b), *amended*.
- (b) providing for the keeping of a register of bee-keepers; R.S.O. 1950, c. 35, s. 20, cl. (c), *amended*.
- (c) prescribing the books and records that shall be kept by bee-keepers and by persons who sell bees or package bees; R.S.O. 1950, c. 35, s. 9 (5), *amended*.
- (d) prescribing the returns that shall be made to the Provincial Apiarist by bee-keepers and by persons who sell bees or package bees; R.S.O. 1950, c. 35, s. 20, cl. (d), *amended*.
- (e) requiring and prescribing the reports that shall be made to the Provincial Apiarist by inspectors; R.S.O. 1950, c. 35, s. 19, *amended*.
- (f) designating any area in Ontario as a queen bee breeding area and regulating the keeping of bees in such area; R.S.O. 1950, c. 35, s. 20, cl. (f).
- (g) designating any disease of bees to be a disease within the meaning of this Act; *New*.
- (h) prescribing the forms for use under this Act; R.S.O. 1950, c. 35, s. 20, cl. (a), *amended*.
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 35, s. 20, cl. (g).

**27.** *The Bees Act* is repealed.

Rev. Stat.,  
c. 35,  
repealed

**28.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**29.** This Act may be cited as *The Bees Act, 1954*.

Short title



## CHAPTER 5

An Act to amend The Bills of Sale and  
Chattel Mortgages Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Bills of Sale and Chattel Mortgages Act* is amended by striking out the words "and all payments made on account thereof" in the twelfth line, so that the subsection shall read as follows: Rev. Stat.,  
c. 36, s. 24,  
subs. 1,  
amended

- (1) Except as provided in subsection 2 and subject to section 28 every mortgage registered in pursuance of this Act shall cease to be valid, as against the creditors of the person making the same and as against subsequent purchasers and mortgagees in good faith for valuable consideration, after the expiration of one year from the day of the registration thereof unless, within 30 days next preceding the expiration of the said term of one year, a statement (Form 1), exhibiting the interest of the mortgagee, his executors, administrators or assigns in the mortgaged property, and showing the amount still due for principal and interest thereon, is registered in the proper office, as mentioned in section 21, of the county, provisional county or district in which the mortgage was registered, with an affidavit of the mortgagee that the statement is true and that the mortgage has not been kept on foot for any fraudulent purpose. Renewal of  
mortgages

2. Subsection 3 of section 28 of *The Bills of Sale and Chattel Mortgages Act* is amended by striking out the words "all payments on account thereof, which, to the best of the information and belief of the person making such statement, have been made, or of which he is aware or has been informed" in the seventh, eighth, ninth and tenth lines and inserting in lieu thereof the words "the extent or amount of the liability still secured by the mortgage", so that the subsection shall read as follows: Rev. Stat.,  
c. 36, s. 28,  
subs. 3,  
amended

Renewal of  
mortgages

- (3) Any such mortgage may be renewed in the manner and with the effect provided by section 24 by the filing of a statement by the mortgagee or one of the mortgagees exhibiting the interest of the mortgagee or mortgagees in the property claimed by virtue of the mortgage, and showing the amount of the bond or debenture debt which the same was made to secure, and showing the extent or amount of the liability still secured by the mortgage, together with an affidavit of the person making such statement that the statement is true to the best of his knowledge, information and belief, and that the mortgage has not been kept on foot for any fraudulent purpose, and such statement shall be filed instead of the statement required by section 24.

Rev. Stat.,  
c. 36,  
Form 1,  
amended

- 3.** Form 1 of *The Bills of Sale and Chattel Mortgages Act* is amended by striking out the words "and of all payments made on account thereof" in the eighth line and by striking out all the words, figures and symbols in the fourteenth, fifteenth, sixteenth and seventeenth lines.

Commence-  
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1954*.

## CHAPTER 6

## An Act to amend The Cemeteries Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The Cemeteries Act* is amended by Rev. Stat., c. 46, s. 1, amended relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) “Cemeteries Advisory Board” means the advisory board appointed under this Act;

. . . . .

(dd) “inspector” means an inspector designated under this Act.

(2) Clause *g* of the said section 1 is repealed and the following substituted therefor: Rev. Stat., c. 46, s. 1, cl. g, re-enacted

(g) “owner” means a person who owns, controls or manages a cemetery, mausoleum or columbarium;

(gg) “perpetual care” means the preservation, improvement, embellishment and maintenance in perpetuity in a proper manner of lots, plots, tombs, monuments or enclosures in a cemetery or of compartments in a mausoleum or columbarium;

(ggg) “perpetual care funds” means funds and property received by an owner for the purpose of providing perpetual care generally of a cemetery, mausoleum or columbarium or of any particular part thereof;

**2.** *The Cemeteries Act* is amended by adding thereto the following sections: Rev. Stat., c. 46, amended

1a. The Minister may designate one or more officers Inspectors of the Department to be inspectors for the purposes of this Act and the regulations with such powers and duties as the regulations prescribe.



Cemeteries  
Advisory  
Board

- 1b. The Lieutenant-Governor in Council may make regulations providing for the establishment of a board to be known as the "Cemeteries Advisory Board" and prescribing its powers and duties.

Conflict with  
provisions  
in other Acts

- 1c. Where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations prevail.

. . . . .

Licensing  
of salesmen

- 7a.—(1) No person shall offer for sale or sell lots in a cemetery unless,

(a) he is licensed so to do under the regulations; and

(b) the provisions of the sale contracts have been approved by the Minister.

Exemption

- (2) This section does not apply in respect of the sale of lots in any cemetery or class of cemetery exempt therefrom under the regulations.

Rev. Stat.,  
c. 46, s. 8,  
subs. 1,  
amended

3. Subsection 1 of section 8 of *The Cemeteries Act*, as amended by section 1 of *The Cemeteries Amendment Act, 1953*, is further amended by adding thereto the following clauses:

(k) prescribing the powers and duties of the Cemeteries Advisory Board and of inspectors;

(l) requiring the licensing of persons who offer for sale or sell lots in a cemetery and prescribing the terms and conditions upon which a licence may be issued, the fees payable therefor, the form and term thereof, and the terms and conditions upon which any such licence may be renewed, suspended or revoked;

(m) exempting any cemetery, mausoleum or columbarium or any class thereof from the application of section 7a, 17c, 17d or 17e, and prescribing the conditions under which such cemetery, mausoleum or columbarium or any class thereof shall be exempt therefrom; and

(n) classifying cemeteries, mausoleums and columbariums.

Rev. Stat.,  
c. 46, s. 16a  
(1953,  
c. 12, s. 2),  
re-enacted

4. Section 16a of *The Cemeteries Act*, as enacted by section 2 of *The Cemeteries Amendment Act, 1953*, is repealed and the following substituted therefor:

16a.—(1) Every owner shall set aside for perpetual care Moneys set aside for perpetual care such percentage of all money received on the sale of a lot in a cemetery or a compartment in a mausoleum or columbarium as the regulations may prescribe, and the owner shall invest such money or pay over such money so set aside as provided by section 17c or 17d, as the case may be.

(2) The owner shall, out of the income of such investment, preserve and maintain in a proper manner in perpetuity all lots, tombs, monuments and enclosures in the cemetery, or compartments in the mausoleum or columbarium, as the case may be. Perpetual care required

5. *The Cemeteries Act* is amended by adding thereto the following sections: Rev. Stat., c. 46, amended

17c.—(1) Every owner shall pay over all perpetual care funds that have heretofore and that hereafter come into his possession to the Public Trustee or to a trust company registered under *The Loan and Trust Corporations Act*. Perpetual care funds to trust company, etc. Rev. Stat., c. 214

(2) The Public Trustee or trust company shall invest the perpetual care funds as prescribed by section 17d and pay the income therefrom to the owner for the purposes of perpetual care. Investment

(3) Where the owner has paid over perpetual care funds under subsection 1, all perpetual care funds thereafter received by the owner shall be paid over to the Public Trustee or to the trust company, as the case may be, to be dealt with in like manner. Further funds to be paid over

(4) Where the owner has paid over the perpetual care funds to a trust company in accordance with subsection 1 or 3, the owner, with the approval of the Minister, may direct the trust company to transfer any perpetual care funds to another trust company referred to in subsection 1 or to the Public Trustee. Transfer of funds

(5) Perpetual care funds that have been paid over to the Public Trustee or a trust company under this section shall not be returned to the owner but shall form a trust in the possession of the Public Trustee or the trust company. Held in trust

(6) This section does not apply to perpetual care funds with respect to any cemetery, mausoleum or columbarium or any class thereof exempt therefrom under the regulations. Exemption

Investment  
of funds

17d.—(1) Every owner, the Public Trustee or a trust company shall invest perpetual care funds in the same manner as a trustee is authorized to invest trust funds under *The Trustee Act*.

Rev. Stat.,  
c. 400

Deposit of  
funds in  
bank pend-  
ing invest-  
ment

(2) The owner, Public Trustee or a trust company, pending the investment of perpetual care funds, may deposit them during such time as is reasonable in the circumstances in any chartered bank of Canada, or in the Province of Ontario Savings Office, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*.

Rev. Stat.,  
c. 214

Exemption

(3) This section does not apply to perpetual care funds with respect to any cemetery, mausoleum or columbarium or any class thereof exempt therefrom under the regulations.

Interpreta-  
tion

17e.—(1) For the purposes of this section and sections 17f to 17l, "owner" includes a trust company to which perpetual care funds have been paid.

Passing of  
accounts

(2) Within two years after this section comes into force, the owner shall submit to be passed, examined and audited by the judge of the surrogate court for the county or district in which the cemetery, mausoleum or columbarium is located, accounts of his dealings with perpetual care funds that have come into his hands since a date three years before this section comes into force.

Idem

(3) On the passing of accounts, the judge may require the owner,

(a) to submit additional accounts or information with respect to the perpetual care funds; and

(b) to make a full disclosure and accounting of all perpetual care funds that have come into the possession of the owner at any time.

Idem

(4) Where a cemetery, mausoleum or columbarium is established after this section comes into force, the owner shall, within five years after the establishment of the cemetery, mausoleum or columbarium, as the case may be, submit to be passed, examined and audited by the judge, accounts of his dealings with perpetual care funds.

- (5) This section does not apply to perpetual care funds with respect to any cemetery, mausoleum or columbarium or any class thereof exempt therefrom under the regulations. Exemption
- 17f.—(1) After the first passing of accounts under section 17e, the owner shall submit his accounts with respect to perpetual care funds to be passed, examined and audited at intervals not exceeding five years from the date of the order made on the last previous passing of accounts. Periodical passing of accounts
- (2) The judge of the surrogate court for the county or district in which a cemetery, mausoleum or columbarium is located may direct a passing of accounts of perpetual care funds at any time. On direction of judge
- 17g. Where for any reason the judge deems it expedient, he may from time to time, after notice has been given to the Public Trustee of an application to extend the time for passing accounts, extend the times prescribed by section 17e or 17f for a period not exceeding two years. Extension of time for passing accounts
- 17h.—(1) Except as provided in subsection 2, the provisions of *The Surrogate Courts Act* and the rules made thereunder and of *The Trustee Act* with respect to the passing of accounts of an executor, administrator or trustee apply *mutatis mutandis* to the passing of accounts under this Act. Provisions of Rev. Stat., cc. 380, 400 to apply
- (2) Notice of the passing of accounts shall be served only upon the Public Trustee unless the judge otherwise directs. Notice
- 17i. If, upon the passing of accounts, the judge finds that the owner has been guilty of a breach of trust, or has in his hands perpetual care funds that are not immediately required for perpetual care purposes, he may direct that the funds or a portion thereof be paid to the Public Trustee. Breach of trust
- 17j. An owner shall from time to time furnish the Public Trustee with such information with respect to perpetual care funds as the Public Trustee may require. Information required by Public Trustee
- 17k. The Public Trustee is deemed to be a person having an interest in perpetual care funds. Interest of Public Trustee
- 17l. In addition to the powers, rights and obligations created by this Act, the provisions of the general law Law applicable to property for charitable purposes

either statutory or otherwise apply to an owner or trust company with respect to any perpetual care funds in his hands to the same extent as the same is applicable to any trustee having funds or property in his hands for charitable purposes.

Commence-  
ment

**6.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**7.** This Act may be cited as *The Cemeteries Amendment Act, 1954*.



## CHAPTER 7

## An Act to amend The Charitable Institutions Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 7a of *The Charitable Institutions Act*, as enacted by section 1 of *The Charitable Institutions Amendment Act, 1951*, is amended by striking out the symbol and figures "\$1,000" in the seventh line and inserting in lieu thereof the symbol and figures "\$2,000", so that the subsection shall read as follows:

Rev. Stat.,  
c. 49, s. 7a  
(1951,  
c. 9, s. 1),  
subs. 1,  
amended

- (1) The Minister may approve the site and plans of a new building of any charitable institution and when they are so approved the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the charitable institution of an amount calculated upon the total bed capacity of the new building at the rate of \$2,000 per bed.

Provincial  
subsidy on  
new  
buildings

**2.—(1)** Clause *b* of subsection 1 of section 8 of *The Charitable Institutions Act* is amended by striking out the word "five" in the fourth line and inserting in lieu thereof the word "twenty" and by striking out the word "ten" in the eighth line and inserting in lieu thereof the word "twenty", so that the clause shall read as follows:

Rev. Stat.,  
c. 49, s. 8,  
subs. 1, cl. b,  
amended

- (b) For every infant or child an inmate of an orphanage or infants' home, if such infant or child is an orphan or neglected or abandoned or the infant or child of an indigent person, twenty cents per day for each day's actual maintenance of such inmate during the preceding calendar year, and if any such inmate is an infant under one year of age and is being nursed by its mother in such institution, twenty cents per day for each day's actual maintenance of such inmate.

Orphanages,  
etc.

Rev. Stat.,  
c. 49, s. 8,  
subs. 1, cl. c,  
amended

(2) Clause *c* of subsection 1 of the said section 8 is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "twenty", so that the clause shall read as follows:

Female  
refuges

(*c*) For every adult, friendless and indigent female person an inmate of any such refuge, orphanage or infants' home, twenty cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

Commence-  
ment

**3.**—(1) Section 1 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1954.

Short title

**4.** This Act may be cited as *The Charitable Institutions Amendment Act, 1954*.

## CHAPTER 8

**An Act to consolidate and revise  
The Children's Protection Act, The Children  
of Unmarried Parents Act and  
The Adoption Act**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Inter-  
pretation

- (a) "children's aid society" or "society" means a children's aid society approved by the Lieutenant-Governor in Council under this Act; R.S.O. 1950, c. 53, s. 1, cl. (d), *amended*.
- (b) "Director" means Director of Child Welfare appointed under this Act;
- (c) "local director" means local director of a children's aid society appointed under this Act; *New*.
- (d) "Minister" means Minister of Public Welfare;
- (e) "municipality" means county, city or separated town, but in a territorial district "municipality" means city, town, village or township; R.S.O. 1950, c. 53, s. 1, cls. (h, i).
- (f) "regulations" means regulations made under this Act. R.S.O. 1950, c. 51, s. 1, cl. (c).

PART I

OFFICERS, SOCIETIES

**2.—(1)** The Lieutenant-Governor in Council may appoint an officer to be known as the Director of Child Welfare. Appoint-  
ment of  
Director  
R.S.O. 1950, c. 7, s. 19, *part, amended*; R.S.O. 1950, c. 53, s. 2, *part, amended*.

Duties of  
Director

(2) The Director shall,

- (a) advise children's aid societies as to the manner in which their functions are to be performed;
- (b) exercise the powers and duties of a children's aid society in any area in which no society is functioning;
- (c) ensure that a record in such form as he may prescribe is kept by societies of all court committals of children to their care and of all children placed by them in foster homes and of such other matters as he may require;
- (d) inspect or direct and supervise the inspection of any place in which a child in the care of a society is placed;
- (e) prepare and submit an annual report to the Minister;
- (f) keep books of account of all moneys received by him showing receipts and expenditures;
- (g) perform such other duties as may be prescribed by this Act or the regulations or by the Lieutenant-Governor in Council. R.S.O. 1950, c. 53, s. 2, *amended*.

Acting  
Director

(3) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister may designate. *New*.

Appointment  
of local  
directors

3.—(1) Every children's aid society shall appoint a local director who shall be responsible to the board of directors of the society for the administration and enforcement of this Act and the regulations in the area in which the society has jurisdiction, who shall co-operate with the Director to this end, and who shall carry out such other duties as may be required of him by the constitution, by-laws and instructions of the society. *New*.

Powers of  
local  
directors,  
etc.

(2) Every local director and every person designated by the board of directors of a society shall for the purposes of this Act be vested with the powers of a constable and a school attendance officer, and he shall be deemed to be an officer within the meaning of section 10 of *The Public Authorities Protection Act*, and that section and the other provisions of that Act apply to him in the same manner and to the same extent as they do to the officers mentioned in that section. R.S.O. 1950, c. 53, s. 38, *amended*.

Rev. Stat.,  
c. 303

4. The Director or a local director or any person acting under the authority of either of them may call to his aid in the performance of his duties a member of the police force responsible for policing the area in which such aid is required. <sup>Police assistance</sup>  
R.S.O. 1950, c. 53, s. 8, *amended*.

5. The Director and every local director and every person authorized by the Director has power to take affidavits and statutory declarations for the purposes of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario. <sup>Power to take affidavits</sup>  
R.S.O. 1950, c. 7, s. 19, *part*;  
c. 51, s. 2 (2).

6.—(1) A children's aid society may be established having among its objects the protection of children from neglect, the care and control of neglected children, assistance to unmarried parents, the placement of children in adoption, the supervision of children placed in adoption until an order of adoption is made and generally the discharge of the functions of a children's aid society under this Act, but no society may act as such until it has been incorporated under *The Corporations Act, 1953* or a predecessor thereof. <sup>Establishment of societies</sup>  
R.S.O. 1950, c. 53, s. 33, *amended*.

(2) The by-laws of every children's aid society shall contain provisions as the regulations prescribe, and a certified copy of the by-laws and any amendments thereto shall be filed with the Director forthwith after they are made and no such by-law or amendment shall come into operation until it has been approved by the Minister. <sup>By-laws</sup>  
R.S.O. 1950, c. 53, s. 34 (3), *amended*.

7.—(1) A children's aid society shall be governed by a board of directors composed of the president, one or more vice-presidents, the secretary, the treasurer, one or more municipal representatives and such other officers and members as may be determined, elected in such manner and for such period as the by-laws of the society provide. <sup>Board of directors</sup>  
R.S.O. 1950, c. 53, s. 36, *amended*.

(2) Where the number of directors of a children's aid society is more than nine, the directors shall pass a by-law directing them to elect from among their number an executive committee consisting of not less than five and not more than nine members, including the president, the treasurer and one or more municipal representatives, and to delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the board. <sup>Executive committee</sup>

(3) A majority of the members of an executive committee constitutes a quorum. <sup>Quorum</sup>  
*New*.



Inter-  
pretation

**8.** For the purposes of section 7 and subject to the by-laws of the children's aid society, "municipal representative" means member of a municipal council of a municipality in the area in which the society has jurisdiction. *New.*

Annual  
grants to  
societies

**9.**—(1) There shall be paid to each children's aid society,

(a) an annual grant of such amount as the regulations provide; and

(b) an amount equal to 25 per cent of the amount of the funds it obtains each year from any campaign conducted to obtain private donations, whether the campaign is conducted by the society only or is part of a joint campaign but not from endowments, investments or payments made by a municipality as grants in excess of its statutory liability under this Act. R.S.O. 1950, c. 53, s. 40 (1, 2), *part, amended.*

Idem

(2) There shall be paid to each children's aid society having jurisdiction in territory without municipal organization an additional annual grant of such amount as the regulations provide to assist it in the provision of protection services to children living in such territory. *New.*

Source

(3) The amounts payable under this section shall be paid out of such moneys as are appropriated therefor by the Legislature. R.S.O. 1950, c. 53, s. 40 (3).

Dissolution  
of  
societies

**10.** The Lieutenant-Governor upon the recommendation of the Minister may at any time dissolve a children's aid society on such date as the order may fix and upon the dissolution of a society its property vests in the Crown to be held and disposed of in such manner as the Lieutenant-Governor in Council determines. R.S.O. 1950, c. 53, s. 34 (5), *amended.*

## PART II

### PROTECTION AND CARE OF NEGLECTED CHILDREN

Inter-  
pretation

**11.**—(1) In this Part,

(a) "boarding home" means a home or dwelling in which a child is placed and kept upon payment of compensation, whether the home or dwelling is privately occupied or forms part of, or is connected with, a hospital or a correctional, custodial, charitable or other institution; R.S.O. 1950, c. 53, s. 1, cl. (b), *amended.*

(b)

- (b) "child" means boy or girl actually or apparently under sixteen years of age; R.S.O. 1950, c. 53, s. 1, cl. (c).
- (c) "foster home" means a home, other than the home of his parent, in which a child is placed for care and supervision; R.S.O. 1950, c. 53, s. 1, cl. (e), *amended*.
- (d) "judge" means judge, junior judge or acting judge of a county or district court, or judge or deputy judge of a juvenile and family court or magistrate where the magistrate has been designated by the Lieutenant-Governor in Council a judge for the purposes of this Part; R.S.O. 1950, c. 53, s. 1, cl. (f), *amended*.
- (e) "neglected child" means,
- (i) a child who is an orphan and who is not being properly cared for, or who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part,
  - (ii) a child who is deserted by the person in whose charge he is or that person has died or is unable to care properly for him,
  - (iii) a child where the person in whose charge he is cannot by reason of disease or infirmity or misfortune or incompetence or imprisonment or any combination thereof care properly for him,
  - (iv) a child who is living in an unfit or improper place,
  - (v) a child found associating with an unfit or improper person,
  - (vi) a child found begging or receiving alms in a public place or carrying on a street trade contrary to this Part, or loitering in a public place after 9 o'clock in the evening after being warned as provided in subsection 4 of section 33,
  - (vii) a child who, with the consent or connivance of the person in whose charge he is, commits any act which renders him liable to a penalty

under

under any Act of the Parliament of Canada or of the Legislature or under any municipal by-law,

- (viii) a child who is delinquent or incorrigible by reason of the inadequacy of the control exercised by the person in whose charge he is or who is being allowed to grow up under circumstances tending to make him idle or dissolute,
  - (ix) a child who, without sufficient cause, habitually absents himself from his home or school,
  - (x) a child when the person in whose charge he is neglects or refuses to provide or secure proper medical, surgical or other remedial care or treatment necessary for his health or well-being, or who refuses to permit such care or treatment to be supplied to the child when it is recommended by a duly qualified medical practitioner,
  - (xi) a child who is emotionally rejected or deprived of affection by the person in whose charge he is to a degree which on the evidence of a psychiatrist who is on the register of specialists in psychiatry of the Royal College of Physicians and Surgeons of Canada or of the College of Physicians and Surgeons of Ontario is sufficient to endanger his emotional and mental development, or
  - (xii) a child whose life, health or morals may be endangered by the conduct of the person in whose charge he is; R.S.O. 1950, c. 53, s. 1, cl. (j), *amended*.
- (f) "parent" means a person who is under a legal duty to provide for a child;
  - (g) "place of safety" means a receiving home or an institution for the care and protection of children;
  - (h) "public place" means a place, building or conveyance to which the public has, or is permitted to have, access; R.S.O. 1950, c. 53, s. 1, cls. (k, l, m), *amended*.
  - (i) "rate" means the average daily cost to a children's aid society of providing for the welfare of a child or ward who is living in an institution or home other than the home of his parent;

- (j) "receiving home" means an institution or home operated or supervised by a children's aid society for the temporary care of children;
- (k) "ward" means a person committed to the care and custody of a children's aid society. *New.*

(2) Where there is a juvenile and family court, cases under this Part shall be heard by the judge or a deputy judge of that court, and where there is no juvenile and family court, cases under this Part shall be heard by the judge, junior judge or acting judge of the county or district court or by a magistrate designated a judge for the purposes of this Part. *New.*

**12.** A constable or other police officer, the Director, a local director or a person authorized by the Director or by a local director may apprehend without warrant and take to a place of safety any apparently neglected child and detain him there until he can be brought before a judge, or apply to a judge for an order requiring the person in whose charge the child is to produce the child before a judge at the time and place named in the order. R.S.O. 1950, c. 53, s. 7 (1), *amended.*

**13.—**(1) If it appears to a justice of the peace, on information laid before him on oath,

- (a) that there is reasonable cause to suspect that a child is neglected; or
- (b) that a ward has been unlawfully removed from the custody of a children's aid society or is being unlawfully concealed or harboured,

such justice may issue a warrant authorizing any person named therein to search for such child or ward and to take him to and detain him in a place of safety. R.S.O. 1950, c. 53, s. 18 (1), *part, amended.*

(2) Any person authorized by the warrant may enter, if need be by force, any house, building or other place specified in the warrant and may remove the child or ward therefrom.

(3) It is not necessary in an information or warrant under this section to describe the child or ward by name. R.S.O. 1950, c. 53, s. 18 (2, 3).

**14.** An executive officer of an infants' or children's home or other public institution having the care or custody of children may, after notifying a children's aid society in writing, bring before a judge any apparently neglected child. R.S.O. 1950, c. 53, s. 9, *amended.*

Detention  
limited

**15.** A child detained in a place of safety under section 12 or clause *a* of subsection 1 of section 13 shall be returned to his parent or guardian or brought before a judge within ten days of his detention. R.S.O. 1950, c. 53, s. 7 (2), *part, amended.*

Hearing to  
be held

**16.**—(1) Where a child is brought before a judge as an apparently neglected child, the judge shall hold a hearing and determine whether or not the child is a neglected child, and if he finds that the child is a neglected child, he shall also determine the child's name, age and religious faith. R.S.O. 1950, c. 53, s. 7 (2), *part, amended.*

Witnesses

(2) The judge has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1950, c. 53, s. 7 (3), *amended.*

Who may  
be heard

(3) The judge may hear any person on behalf of the child and the local director of a children's aid society or any person authorized so to do by the board of directors of the society may be heard on behalf of the society. R.S.O. 1950, c. 53, s. 7 (6), *amended.*

Notice to  
municipality  
and parent

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that any municipality that may be made liable to pay the rate in respect of the child has had reasonable notice of the hearing and that the parent or the person having the actual custody of the child has had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. R.S.O. 1950, c. 53, s. 7 (4), *amended.*

Evidence  
to be  
transcribed

(5) The evidence of every witness shall be given under oath and shall be taken down and transcribed,

(a) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of such court, by that stenographer; and

(b) where the proceedings are not in a juvenile and family court or where the juvenile and family court does not have a stenographer who is a member of the staff of such court, by a stenographer appointed by the judge. 1951, c. 11, s. 1, *part.*

Transcrip-  
tion fees

(6) Stenographers appointed under clause *b* of subsection 5 or the employers of such stenographers shall be allowed the

fees



fees for taking down and transcribing evidence prescribed by *The Magistrates Act, 1952*, and such fees shall be paid by the municipality to which the child concerned in the proceedings belongs and where the child belongs to territory without municipal organization they may be paid out of moneys appropriated therefor by the Legislature. 1951, c. 11, s. 1, *part*; 1952, c. 9, s. 1, *amended*.

(7) Where a hearing is adjourned, the judge shall make such order for the temporary care and custody of the child as he thinks advisable and he shall name therein the municipality that shall pay *pro tem* the rate in respect of the child. R.S.O. 1950, c. 53, s. 7 (7, 12), *part, amended*. Order on adjournment

(8) Where the judge finds the child to be a neglected child he shall make an order, Order where child neglected

- (a) that the case be adjourned *sine die* and that the child be returned to his parent or guardian or other person in whose charge he is, subject to supervision by the children's aid society; or
- (b) that the child be committed temporarily to the care and custody of the children's aid society for such period, not exceeding twelve months, as in the circumstances of the case he considers advisable; or
- (c) that the child be committed permanently to the care and custody of the children's aid society; and
- (d) that in cases under clause *b* or *c* the municipality to which the child belongs pay the rate in respect of the child from the day the child was apprehended, or if he was not apprehended, from the day he was brought before the judge as an apparently neglected child, and so long as the child remains in the care and custody of the society. R.S.O. 1950, c. 53, s. 7 (8, 12), *part, amended*.

(9) Where the judge finds a child who has been apprehended and detained in a place of safety not to be a neglected child, he shall ascertain the municipality to which the child belongs and make an order requiring that municipality to pay the rate in respect of the child for the period of such detention. *New*. Order where child not neglected

(10) Where the judge finds that a parent is able to contribute towards the child's maintenance, he shall in any order made under subsection 7 or clause *b* of subsection 8 or subsection 9, or he may in any order made under clause *c* of subsection 8, order such parent to refund to the municipality the whole or any part of the rate that the municipality has Contribution by parent

been ordered to pay, but nothing in this subsection relieves the municipality from liability for the rate. R.S.O. 1950, c. 53, s. 11 (1, 2), *amended*.

Enforcement  
of order

(11) An order made against a parent under subsection 10 may be enforced in the same manner as an order made under *The Deserted Wives' and Children's Maintenance Act*. R.S.O. 1950, c. 53, s. 11 (3).

Rev. Stat.,  
c. 102

Re-opening  
of case  
adjourned  
*sine die*

(12) Where a judge has made an order under clause *a* of subsection 8, the society may at any time bring the case again before a judge for further consideration and action under this section.

Re-opening  
of  
temporary  
commitment

(13) Where a judge has made an order under clause *b* of subsection 8, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person in whose charge he is, or making a further order under subsection 8, but no such further order shall be made under clause *b* of subsection 8 that results in the temporary commitment of a child for a total period of more than twenty-four months. R.S.O. 1950, c. 53, s. 7 (9), *amended*.

Re-opening  
of permanent  
commitment

(14) Where a judge has made an order under clause *c* of subsection 8, the society may at any time during the period of permanent commitment and upon at least thirty days notice in writing to the Director, bring the case before a judge to determine if the welfare of the child might best be served by the termination of such permanent commitment and if the judge is satisfied that such action is in the interest of the welfare of the child, he shall terminate the commitment. *New*.

Custody  
during  
temporary  
commitment

(15) Where a child has been temporarily committed to the care and custody of a society, the society shall keep such ward in a suitable place and shall exercise during such period all the rights of the legal guardian of such ward, except as to adoption proceedings under Part IV. R.S.O. 1950, c. 53, s. 7 (10), *amended*.

Custody  
during  
permanent  
commitment

(16) Where a child has been permanently committed to the care and custody of a society, the society shall be the legal guardian of such ward until he has attained the age of eighteen years, or until he is adopted under Part IV, or until

some other legal guardian is appointed, or until the wardship is terminated by a judge under subsection 14, or until an extended guardianship under subsection 17 terminates. R.S.O. 1950, c. 53, s. 13 (1), *amended*.

(17) Where it is in the interest of the welfare of a ward, a judge may, upon application of the society, make an order extending the wardship for such period as he considers proper beyond the day on which the ward attains the age of eighteen years, but not beyond the day on which the ward attains the age of twenty-one years. *New*.

(18) Every order made under this section shall contain a statement of the facts of the case as found by the judge. R.S.O. 1950, c. 53, s. 7 (12), *part, amended*.

(19) The judge shall cause to be transmitted three certified copies of every order made by him under this section and of the transcript of the evidence to the society and the society shall transmit one copy of each to the Director and one copy of each to the municipality ordered to pay the rate. R.S.O. 1950, c. 53, s. 7 (12), *part, amended*.

**17.—**(1) For the purposes of this Part, a child,

(a) who is one year of age or more, shall be deemed to belong to the municipality in which he last resided for a period of twelve months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced; or

(b) who is less than one year of age or who has resided only in the places mentioned in subsection 4, shall be deemed to belong to the municipality in which his mother last resided for a period of twelve months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced.

(2) Where the municipality to which a child belongs cannot be determined under subsection 1, a child,

(a) who is one year of age or more, shall be deemed to belong to the municipality in which he last resided for the greatest number of months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced; or

(b)

- (b) who is less than one year of age or who has resided only in the places mentioned in subsection 4, shall be deemed to belong to the municipality in which his mother last resided for the greatest number of months, consecutive or inconsecutive, in the thirty-six month period preceding the day on which proceedings under this Part commenced.

Idem

(3) In all other cases, a child shall be deemed to belong to the municipality in which he was residing on the day on which proceedings under this Part commenced.

Inter-  
pre-  
tation

(4) For the purposes of this section,

- (a) any period of time during which the child under clause *a* of subsection 1 or clause *a* of subsection 2 or the child's mother under clause *b* of subsection 1 or clause *b* of subsection 2 resided in a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical, educational, or other care or supervision, shall be disregarded;
- (b) any part of a month during which the child or his mother, as the case may be, resides in a municipality shall, if such period is fifteen consecutive days or more, be deemed to be one month, and shall, if such period is less than fifteen consecutive days, be disregarded;
- (c) any part of a day during which the child or his mother, as the case may be, resides in a municipality shall be deemed to be one day; and
- (d) the expression "day on which proceedings under this Part commenced" means the day on which the child was apprehended or, if he was not apprehended, means the day on which he was brought before a judge as an apparently neglected child. R.S.O. 1950, c. 53, s. 10 (2-4), *amended*.

Residence  
in territory  
without  
municipal  
organization

**18.** Where it is not possible to determine the municipality to which a child belongs by reason of his residence in territory without municipal organization, he shall be deemed to reside in territory without municipal organization, in which case the Province is responsible for the payment of the rate otherwise payable to the society by municipalities in the area in which the society has jurisdiction, and the other provisions of this Part apply *mutatis mutandis*. *New*.



**19.**—(1) Where it is in the interest of the welfare of a ward of a society having jurisdiction in an area other than the area in which the municipality to which the ward belongs is situate, the first-named society may with the written approval of the Director and by written agreement with the society having jurisdiction in the municipality to which the ward belongs apply to a judge for an order transferring the ward to the care and custody of the second-named society and the judge, if he considers it to be in the interests of the welfare of the ward to do so, shall make the order applied for. Transfer of wards

(2) Where a ward is transferred under subsection 1, the society to which he is transferred is vested with the same powers and obligations as the society from which he is transferred. *New.* Idem

**20.** A municipality that has made a payment under an order made under this Part for the maintenance of a child in respect of whom another municipality is subsequently ordered to pay the rate may recover the sum so paid from such other municipality. R.S.O. 1950, c. 53, s. 10 (8). Right of recovery

**21.** Where a judge orders a municipality to pay the rate under this Part, there shall be paid to such municipality out of the moneys appropriated therefor by the Legislature an amount equal to 25 per cent of the amount of the net expenditures of the municipality under such order, except that where the order is made against a county the amount otherwise payable to the county under this section shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county. R.S.O. 1950, c. 53, s. 10 (11). Provincial aid to municipalities

**22.** The Lieutenant-Governor in Council may make special grants out of the moneys appropriated therefor by the Legislature to any municipality in a territorial district, except a city, or to a provisional county, to relieve, in whole or in part, any such municipality that is unduly burdened in any year by reason of its liabilities under this Part. R.S.O. 1950, c. 53, s. 10 (10), *amended*. Additional provincial aid to certain municipalities

**23.** The council of any municipality may pass by-laws for the levying of such amounts as are necessary for the purpose of meeting any liability imposed on the municipality under this Part, or for the purpose of affording to a children's aid society such other assistance as the council considers advisable. R.S.O. 1950, c. 53, s. 29. Power to make levies



Temporary  
care on  
municipal  
authoriza-  
tion

**24.**—(1) When authorized so to do by the council, the head of the council of a municipality may, with the consent of the person in charge of a child, authorize the children's aid society to furnish temporary care and shelter to the child and the society may charge the municipality the rate with respect to the child. R.S.O. 1950, c. 53, s. 4 (4), *amended*.

Provincial  
aid

(2) Where a municipality pays the rate under subsection 1, there shall be paid to such municipality out of the moneys appropriated therefor by the Legislature an amount equal to 25 per cent of the amount of the net expenditures of such municipality under that subsection. *New*.

Establish-  
ment of rate

**25.**—(1) Each children's aid society shall apply annually to a judge before the 15th day of February for an order establishing its rate and shall give reasonable notice to the municipalities within its area of jurisdiction and to such other municipalities as are at that time paying the rate for children in the care of that society of the intention to apply and of the rate to be applied for.

Idem

(2) The judge shall hear the representations of the society and of such municipalities as desire to be heard and he shall make an order establishing the rate in accordance with the regulations, and such order shall not have retroactive effect before the first day of the calendar year in which it is made. *New*.

Appeal

**26.**—(1) Within thirty days of the making of an order under this Part, any person, including a society or municipality, may appeal from the order to the Court of Appeal with leave of a judge of the Supreme Court.

Idem

(2) On any such appeal, the Court of Appeal may make such order as the Court considers proper. *New*.

Application  
to Supreme  
Court for  
production  
of child

**27.**—(1) Where a parent applies to a judge of the Supreme Court for an order for the production of a child committed under this Part and the judge is of the opinion that the parent has neglected or deserted the child or that he has otherwise so conducted himself that the judge should refuse to enforce his right to the custody of the child, the judge may in his discretion decline to make the order.

Court may  
order com-  
pensation

(2) If at the time of the application the child is being brought up by another person or has been placed by a children's aid society, the judge, if he directs the child to be given up to the parent, may order the parent to pay to such person or society the whole of the expense properly incurred in bringing up the child, or such portion thereof as may seem just.

## (3) Where a parent,

No order  
unless  
parent fit  
person

(a) has abandoned or deserted his child; or

(b) has allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the judge shall not make an order for the delivery of the child to the parent unless the parent satisfies the judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

(4) If the judge is of the opinion that the parent ought not to have the custody of the child and that the child is being brought up in a different religious faith from that in which the parent has a legal right to require the child to be brought up, the judge may make such order as he considers proper to ensure that the child be brought up in that religious faith.

Order as to  
religious  
faith

(5) Nothing in this section affects the power of the judge to consult the wishes of the child in determining what order ought to be made or any right which the child possesses to exercise his own free choice. R.S.O. 1950, c. 53, s. 26.

Child's  
wishes to  
be consulted

**28.**—(1) A child shall be deemed to have the same religious faith as his father unless it is shown that an agreement has been entered into in writing, signed by his parents, that he be brought up in the same religious faith as his mother. R.S.O. 1950, c. 53, s. 27 (3), *amended*.

Presumption  
as to  
religious  
faith

(2) An illegitimate child shall be deemed to have the religious faith of his mother. R.S.O. 1950, c. 53, s. 27 (4), *amended*.

Illegitimate  
child

(3) A Protestant child shall not be committed under this Part to the care of a Roman Catholic children's aid society or institution and a Roman Catholic child shall not be committed under this Part to a Protestant children's aid society or institution, and a Protestant child shall not be placed in the foster care of a Roman Catholic family and a Roman Catholic child shall not be placed in the foster care of a Protestant family, and where a child committed under this Part is other than Protestant or Roman Catholic he shall be placed where practicable with a family of his own religious faith. R.S.O. 1950, c. 53, s. 27 (1), *amended*.

Religious  
faith of  
child

Where only  
one society

(4) Subsection 3 does not apply to a child detained in a place of safety in a municipality in which there is only one children's aid society. R.S.O. 1950, c. 53, s. 27 (2), *amended*.

Child's  
wishes to  
be  
consulted

(5) Notwithstanding anything in this section, the judge may have regard to the wishes of the child in determining what order ought to be made as to his religious faith. *New*.

Society  
may place  
ward

**29.**—(1) A ward of a children's aid society may be placed by the society for any period of time in a foster home or other suitable place according to the needs of the child, and every ward so placed shall receive an education in accordance with the laws of Ontario and in keeping with his intellectual capacity and provision for his occupational training and his physical, mental and spiritual development shall be such as a good parent would make for his own child.

Removal  
of ward

(2) A ward who has been so placed may at any time be removed by the society when, in the opinion of the Director, or the local director, the welfare of the ward so requires. R.S.O. 1950, c. 53, s. 13, *amended*.

Interference  
with wards,  
etc.

**30.**—(1) No person shall,

- (a) induce or attempt to induce a ward or a person under the age of eighteen years who is lawfully in the care and custody of any organization that provides care for children to leave the premises in which he has been lawfully placed; or
- (b) detain or harbour a ward or a person under the age of eighteen years who is lawfully in the care and custody of any organization that provides care for children after demand made by a person authorized to require the delivery up of such ward or person; or
- (c) visit, write to, telephone to or otherwise interfere with a ward who is placed in a foster home or other place, or his foster parents, without the consent in writing of the children's aid society.

Offence  
and  
penalty

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$500 or to imprisonment for a period of not more than one year, or both. R.S.O. 1950, c. 53, s. 19, *amended*.

Desertion  
neglect,  
etc., of  
child

**31.**—(1) Any person having the care, custody, control or charge of a child who neglects, abandons, deserts or fails to support the child or inflicts unreasonable cruelty or ill-treatment upon the child not constituting an assault is

guilty

guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$500 or to imprisonment for a term of not more than one year, or both. R.S.O. 1950, c. 53, s. 14 (1), *amended*.

(2) Any person having the care, custody, control or charge of a boy or girl under the age of ten years who leaves the boy or girl unattended for an unreasonable length of time without making reasonable provision for his or her supervision and safety is guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$100 and for a second or subsequent offence, \$200 or imprisonment for a term of not more than one year. *New*.

(3) The judge may in connection with any case arising under subsection 1 or 2 hold a hearing in respect of any child concerned and may proceed as though the child was brought before him as an apparently neglected child. R.S.O. 1950, c. 53, s. 14 (2), *amended*.

**32.—**(1) Every person who,

- (a) causes or procures a child to be in any public place for the purpose of begging or receiving alms or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or
- (b) causes or procures a child to be in any public place for the purpose of singing, playing, or performing for profit or offering anything for sale between 9 o'clock in the afternoon of any day and 6 o'clock in the morning of the following day; or
- (c) subject to subsection 2, causes or procures any child to be at any time for the purpose of singing, playing, or performing for profit or offering anything for sale in any circus, theatre or other place of public amusement to which the public are admitted by payment,

is guilty of an offence and on summary conviction before a judge is liable to a penalty of not more than \$100 or to imprisonment for a term of not more than six months, or both. R.S.O. 1950, c. 53, s. 17 (1), *amended*.

(2) In the case of any entertainment or series of entertainments to take place in premises used for public entertainment or in any circus, theatre or other place of public amusement, where it is shown that provision has been made to ensure the health and proper treatment of a child proposed to be employed thereat, the head of the council of the municipality may, with the approval of the children's aid society, grant a licence for such time and during such hours

Leaving  
boy or  
girl  
unattended

Further  
proceedings  
as to child

Causing  
child to  
beg, per-  
form, etc.

Licence for  
child to  
perform  
in public



of the day and subject to such restrictions and conditions as he may think fit for any child who in his opinion is a fit and proper person to take part in such entertainment or series of entertainments, and such licence may at any time be varied, added to or revoked by him with the approval of the children's aid society. R.S.O. 1950, c. 53, s. 17 (2), *amended*.

Officer to  
supervise  
licensed  
child

(3) The municipal council shall assign to some person the duty of seeing that the restrictions and conditions of any licence granted under subsection 2 are duly complied with, and such person may enter, inspect and examine any place at which the employment of a child is for the time being licensed, and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1950, c. 53, s. 17 (3).

Street  
trades,  
girls under  
16 and boys  
under 12;

**33.**—(1) No girl under sixteen years of age and no boy under twelve years of age shall engage in or be licensed or permitted to engage in any street trade or occupation. R.S.O. 1950, c. 53, s. 15 (1).

boys 12  
to 16

(2) No boy twelve or more years of age and under sixteen years of age shall engage in any street trade or occupation between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day. R.S.O. 1950, c. 53, s. 15 (2), *amended*.

Boy or girl  
under 16  
loitering  
in public  
place at  
night

(3) No boy or girl under sixteen years of age shall loiter in any public place between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day or be in any place of public resort or entertainment during such hours unless accompanied by his or her parent or guardian or an adult appointed by the parent or guardian to accompany the boy or girl. R.S.O. 1950, c. 53, s. 16 (1), *amended*.

Warning

(4) A boy or girl found contravening any provision of this section may be warned by any constable or officer of a children's aid society, and if the warning is not regarded, or after the warning the boy or girl is again found contravening any provision of this section, the boy or girl may be taken by the constable or officer to his or her home or to a place of safety and dealt with as an apparently neglected child. R.S.O. 1950, c. 53, s. 16 (2), *amended*.

Penalty  
for parent

(5) A parent who permits his boy or girl to contravene any provision of this section is guilty of an offence and upon summary conviction before a judge for a first offence is liable to a penalty of \$5 and for a second or any subsequent offence, \$10. R.S.O. 1950, c. 53, s. 16 (3), *amended*.



**34.** Where a person is charged with an offence under this Part in respect of a child who is alleged to be under a specified age and the child appears to the judge to be under that age, such child shall for the purposes of this Part be deemed to be under that age unless the contrary is proved. R.S.O. 1950, c. 53, s. 25. Presumption as to age of child

**35.**—(1) A child charged with an offence or who is brought before a judge under this Part shall not, before his trial or hearing, be confined in a lock-up or a police cell used for persons charged with crime. R.S.O. 1950, c. 53, s. 21 (1), *part.* Separate place of detention

(2) The council of every city, town, village and township shall make provision for the separate detention of every such child prior to his trial or hearing by arrangement with some person or society willing to undertake the responsibility of such detention on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups and police cells. R.S.O. 1950, c. 53, s. 21 (2). Idem

(3) A child remanded in custody for sentence or under sentence in jail or other place of confinement shall not be placed or allowed to remain in the same cell or room with or be in the company of adult prisoners. R.S.O. 1950, c. 53, s. 24, *amended.* Idem

(4) Where an information and complaint is laid against a child, the person issuing the process shall at once notify the local director who shall have opportunity allowed him to investigate the charge and the circumstances pertaining thereto. R.S.O. 1950, c. 53, s. 22 (1), *amended.* Notice of charge to be given to local director

(5) Upon receiving such notice, the local director may make such inquiry as he considers appropriate and report his findings to the judge in court. R.S.O. 1950, c. 53, s. 22 (2), *amended.* Local director may inquire

(6) Where it appears to the judge that the interest of a child charged with an offence under section 33 will be best served thereby, the child may be dealt with by the judge in the same manner as though the child had been brought before him as an apparently neglected child or the child may be dealt with under *The Training Schools Act*. R.S.O. 1950, c. 53, s. 22 (3), *amended.* Alternative proceedings Rev. Stat., c. 396

**36.**—(1) Where a child is brought before a judge under this Part, the hearing shall be held in premises maintained specifically for the purpose or in the private office of the judge or in other suitable premises, but the hearing shall not Place of hearing

be held in premises ordinarily used for magistrates' courts. R.S.O. 1950, c. 53, s. 21 (3), *amended*.

Exclusion  
of public,  
etc.

(2) Where a child or parent is brought before a judge for trial or hearing under this Part, the judge shall exclude from the room all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society, and the immediate friends or relatives of the child or parent and he may exclude any or all of the latter as he thinks proper. R.S.O. 1950, c. 53, s. 21 (5), *amended*.

Authority  
to bring  
children  
into  
Ontario

**37.**—(1) The Lieutenant-Governor in Council may authorize any organization to carry on the work of bringing into Ontario and providing foster homes for neglected or dependent children who are not feeble-minded and who before arrival in Ontario are certified by a duly qualified medical practitioner to be free from disease of any kind. R.S.O. 1950, c. 53, s. 30, *amended*.

Records  
to be  
kept

(2) Every such organization shall keep a record in a register prescribed by the Director for that purpose of the names of all children brought into Ontario by it under this section, their ages and such particulars as he requires, and a copy of such record shall be filed with the Director by every such organization on the first days of January and July of each year. R.S.O. 1950, c. 53, s. 31 (1), *amended*.

Penalty  
for false  
record

(3) Any person who knowingly makes or is a party to the making of or procuring to be made, directly or indirectly, any false record under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 53, s. 31 (2), *amended*.

Supervision

(4) Every such organization shall maintain careful supervision over every child brought or caused or procured to be brought into Ontario by it until the child attains the age of eighteen years, and it shall be the duty of such organization to cause a personal visit by an agent appointed for that purpose to be made to each such child at least once in every year until the child has attained such age, and for the protection of the person and earnings of the child, such organization, until the child attains the age of eighteen years, has all the powers and shall perform all the duties by law provided in the case of the guardian of an infant. R.S.O. 1950, c. 53, s. 32, *amended*.

### PART III

#### PROTECTION OF CHILDREN BORN OUT OF WEDLOCK

Interpre-  
tation

**38.** In this Part, "judge" means judge or junior judge or acting judge of a county or district court. R.S.O. 1950, c. 51, s. 1, cl. (a), *amended*.

**39.** The Registrar-General shall notify the Director of the birth of every child born out of wedlock that is registered under *The Vital Statistics Act* and of every birth that is registered under that Act in such a manner as to suggest that the parents are unmarried or unknown, together with such particulars thereof as may be required by the regulations. R.S.O. 1950, c. 51, s. 3, *amended*.

**40.** The Director may by inquiry through a children's aid society obtain information with respect to any child born out of wedlock. R.S.O. 1950, c. 51, s. 4, *part, amended*.

**41.** The Director shall take all such proceedings and do all such things as are permitted or required under this Part as may seem to him advisable in the interest of any child born out of wedlock. R.S.O. 1950, c. 51, s. 4, *part, amended*.

**42.** Nothing in this Part requires the Director to interfere with the care and maintenance of a child born out of wedlock where the child has been adopted in accordance with the laws of Ontario or where the child is being cared for voluntarily by a person whom the Director considers suitable to have charge of the child. R.S.O. 1950, c. 51, s. 5, *amended*.

**43.** The mother of a child born out of wedlock or an unmarried woman who is pregnant may apply to the Director or to the local director for advice and protection in any matter connected with the child or with the birth of the child, and the local director, with the approval of the Director, shall take such action as seems advisable in the interest of the mother and child. R.S.O. 1950, c. 51, s. 6, *amended*.

**44.**—(1) All proceedings under this Part shall be heard by the judge in his chambers and not in open court. R.S.O. 1950, c. 51, s. 20, *amended*.

(2) The judge has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

(3) The fees payable to witnesses shall be upon the scale of fees allowed to witnesses in an action in the county court. R.S.O. 1950, c. 51, s. 26 (1, 2).

**45.** The applicant in any proceedings under this Part shall give notice thereof to the Director and he has the right to appear and intervene and be heard in person or by counsel in any such proceedings. R.S.O. 1950, c. 51, s. 21, *amended*.

Death of  
mother  
no bar to  
proceedings

**46.** The Director may institute or continue proceedings under this Part even though the mother has died. R.S.O. 1950, c. 51, s. 22, *amended*.

Who may  
apply for  
affiliation  
order

**47.** An application may be made to a judge for an affiliation order,

- (a) by the mother of a child born out of wedlock; or
- (b) by an unmarried woman who is pregnant; or
- (c) by the next friend or guardian of a child born out of wedlock; or
- (d) by the Director; or
- (e) with the approval of the Director, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payment of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the death of the mother, the maintenance of the mother or the maintenance of the child. R.S.O. 1950, c. 51, s. 8, *amended*.

When appli-  
cation for  
affiliation  
order  
must be  
made

**48.** An affiliation order shall not be made under this Part unless the application therefor is made in the lifetime of the putative father and

- (a) within two years after the birth of the child; or
- (b) within one year after the doing of any act on the part of the putative father that affords evidence of acknowledgment of paternity; or
- (c) within one year after the return to Ontario of the putative father, where he was absent from Ontario at the expiration of the period of two years from the birth of the child; or
- (d) the putative father has failed in whole or in part to carry out the terms of any agreement entered into under this Part. R.S.O. 1950, c. 51, s. 9.

Corrobor-  
ation of  
mother's  
evidence  
required

**49.** No order of affiliation shall be made upon the evidence of the mother of the child unless her evidence is corroborated by some other material evidence. R.S.O. 1950, c. 51, s. 19.

Appoint-  
ment for  
hearing

**50.** The judge shall, upon receipt of an application for an affiliation order, appoint in writing a time and place at which



he will inquire and determine whether the putative father of the child is in fact the father of the child. R.S.O. 1950, c. 51, s. 10.

**51.** Notice in writing of the time and place so appointed shall be served personally or in such other manner as the judge may direct upon the putative father of the child at least seven days before the day so appointed. R.S.O. 1950, c. 51, s. 11 (1), *amended*. Notice to be served on putative father

**52.** Where the judge is satisfied that there is good and probable cause for believing that the putative father of the child is in fact the father of the child and that the putative father is about to quit the territorial jurisdiction of the judge with the intention of avoiding service of the notice in writing referred to in section 51 or of evading his obligations in respect of the child and his mother, whether before or after an affiliation order has been made, the judge may issue a warrant for the arrest of the putative father and upon his arrest may require him to give security for such sum and in such manner and upon such condition as the judge may direct, and if the security is not given, the judge may order the putative father to be imprisoned for a period of not more than three months unless the security is sooner given or the putative father has sooner complied with the condition so imposed. R.S.O. 1950, c. 51, s. 11 (2), *amended*. Arrest of putative father

**53.** If at the time and place so appointed the putative father so served fails to appear or show sufficient reason for not appearing, the judge, in the absence of the putative father and upon sufficient evidence being adduced before him, may make an affiliation order against the putative father or such other order as he considers just. R.S.O. 1950, c. 51, s. 12. Proceedings in default of appearance

**54.—(1)** Where the putative father so served appears in pursuance of the notice, the judge may hear and determine the matter in a summary manner and upon sufficient evidence being adduced before him may make an order declaring the putative father to be in fact the father of the child and requiring him to pay in accordance with the circumstances of the case, Proceedings on appearance

- (a) the reasonable expenses of the mother of the child for her maintenance and care, medical or otherwise, during the three months next preceding the birth of the child, at the birth, and during such period after the birth as may in the opinion of the judge have been or be necessary in connection with or as a consequence of the birth of the child;

(b)



- (b) the expenses of the burial of the mother if she dies in consequence of her pregnancy or of the birth of the child;
- (c) the expenses of the burial of the child if the child dies before the making of the affiliation order or at any time thereafter before attaining the age of sixteen years;
- (d) a sum of money at intervals towards the maintenance of the child until the child attains the age of sixteen years, or a lump sum in lieu of such periodic payments, the balance of which, in the event of the death of the child before the age of sixteen years, shall revert to the father unless otherwise ordered by a judge. R.S.O. 1950, c. 51, s. 13, *amended*.

Sums payable by father

(2) In estimating the sums payable by the father under clause *d* of subsection 1, the judge shall fix such sums as will enable the child to maintain a reasonable standard of life having regard to what the child would have enjoyed had he been born to his parents in lawful wedlock, but the judge shall take into consideration the ability of the father to provide such sums. R.S.O. 1950, c. 51, s. 13 (2), *amended*; s. 15, *amended*.

Where child made ward of society

(3) Where a judge has declared a putative father to be in fact the father of a child and orders the father to pay a lump sum in lieu of periodic payments and the child subsequently is committed to the care and custody of a children's aid society, the father shall be deemed to be a parent within the meaning of subsection 10 of section 16. *New*.

Order for mother to contribute

**55.** The judge may in his discretion upon the same or a like application order the mother of a child born out of wedlock to contribute a sum of money at intervals towards the maintenance of the child until the child reaches the age of sixteen years. R.S.O. 1950, c. 51, s. 14.

Re-opening of application

**56.**—(1) Where an application for an affiliation order has been dismissed, a judge may, upon the discovery of new evidence or of fraud, grant leave to re-open and may re-open and reconsider such application. R.S.O. 1950, c. 51, s. 16 (1), *amended*.

Variation, etc., of order

(2) Where an order for payment has been made under this Part, a judge may at any time rescind or vary the order as he sees fit and any order so varied may be enforced in the same manner as the original order. R.S.O. 1950, c. 51, s. 16 (2).

**57.**—(1) A judge may require security to be given for such sum and in such manner as he directs for the performance of any order made under this Part, and where a person fails to give the security required of him, a judge may order the person to be imprisoned for a period of not more than three months unless the security is sooner given. R.S.O. 1950, c. 51, s. 17 (1). Security for performance of order

(2) Where a person has failed to perform a condition or comply with an order in respect of which security has been given under section 52 or this section, a judge may order that the security be forfeited, which order of forfeiture may be enforced under section 58, and the Director shall apply the proceeds of such forfeited security in making payments ordered to be made or in such other manner as the judge may direct. R.S.O. 1950, c. 51, s. 17 (2), *amended*. Forfeiture of security

**58.**—(1) Any order made under this Part may be enforced in the same manner and by the like proceedings as, Enforcement of orders

- (a) an order made or fine imposed under *The Summary Convictions Act*, except that imprisonment for default in making payment under the order may only be ordered as provided in subsection 2; or Rev. Stat., c. 379
- (b) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution or judgment summons, *inter alia*, may be used to enforce the order. R.S.O. 1950, c. 51, s. 18 (1).

(2) It is the duty of the Director to see that payments ordered to be made are duly made, and upon default in any payment, the Director may apply to a judge who, Default in payments

- (a) may from time to time summon the person in default to explain the default; and
- (b) may, where service of the summons has been proved and the person summoned does not appear or sufficient reason for his absence is not given, or where it appears that the summons cannot be served, or where an order of imprisonment has been made, issue a warrant for the arrest of the person; and
- (c) may, where a warrant has been issued or where the person in default fails to satisfy the judge that the default is due to inability to pay, order the person to be imprisoned for a period of not more than three months unless the sums of money payable under the order or such lesser sums as the judge may see fit to designate are sooner paid. R.S.O. 1950, c. 51, s. 18 (2), *amended*.

Idem

(3) Upon such default and where the order has been filed in a division court, the Director may proceed as in the case of a judgment of that court. R.S.O. 1950, c. 51, s. 18 (3), *amended*.

Agreements of putative father and others as to maintenance, etc.

**59.** Any agreement between the mother and the putative father of a child born or likely to be born out of wedlock or any agreement entered into between any other person and the putative father relating to any of the matters mentioned in section 54 is voidable at the instance of the Director unless it has been entered into with the approval in writing of a judge. R.S.O. 1950, c. 51, s. 24, *amended*.

Agreements of persons and Director as to maintenance, etc.

**60.**—(1) The Director may enter into an agreement with any person whereby such person agrees to pay sums of money in respect of the matters mentioned in section 54.

Default

(2) Upon default in payment under any such agreement, the Director may apply to a judge for an affiliation order, and such agreement when made by the putative father of the child shall be *prima facie* proof of paternity and of the ability of the father to make the payments provided for by the agreement. R.S.O. 1950, c. 51, s. 25, *amended*.

Where deceased father's estate bound

**61.**—(1) Where an agreement with the Director has been entered into by a putative father or an affiliation order has been made against the father under this Part, such agreement or order binds the estate of the putative father or father after his death and any sums payable thereunder are a debt due from and chargeable upon his estate and are recoverable at the suit of the Director, but every such agreement or affiliation order is, as to any payment falling due before or after the putative father's or father's death, subject to review as provided in section 56.

No proceedings without leave of judge

(2) No action or other proceedings shall be taken on any such agreement or order after the death of the putative father or father without the leave of a judge, and the judge before granting leave shall direct notice to be given to the widow and legitimate children of the putative father or father and to all other persons interested in his estate. R.S.O. 1950, c. 51, s. 23 (1).

Widow, etc., not to be prejudiced

(3) Where in an action or other proceedings taken on such an agreement or affiliation order it appears to the judge that the terms of the agreement or affiliation order cannot be carried out without depriving the widow or legitimate children of the putative father or father of necessary maintenance, he may, having regard to all the circumstances, vary the agreement or affiliation order to such an extent and in such manner as to make equitable provision for his widow,

his

his legitimate child or children and his child or children born out of wedlock. R.S.O. 1950, c. 51, s. 23 (2), *amended*.

**62.** A judge has power to direct payment of the costs of <sup>Costs</sup> any proceedings taken before him under this Part. R.S.O. 1950, c. 51, s. 27.

**63.** An appeal lies from any order made under this Part <sup>Appeal</sup> to the Court of Appeal with leave of a judge of the Supreme Court. R.S.O. 1950, c. 51, s. 28.

**64.**—(1) Every sum of money whether for expenses, <sup>Sums to be</sup> maintenance or costs payable under an affiliation order made <sup>paid to</sup> or an agreement entered into with the Director under this Part shall be paid in the first instance to the Director, and where payment of a lump sum is ordered or agreed upon, the Director shall pay over to the Public Trustee such portion thereof as is not required immediately for the maintenance of the child or to meet other charges under this Part.

(2) Sums so paid over shall be invested by the Public <sup>Sums to be</sup> Trustee but are subject to withdrawal of any amounts from <sup>invested,</sup> time to time upon the written requisition of the Director, <sup>subject to</sup> provided that such withdrawals shall not cause the Director <sup>withdrawal</sup> to have at any time in his possession or under his control a sum of more than \$5,000. R.S.O. 1950, c. 51, s. 29, *amended*.

## PART IV

### ADOPTION

**65.** In this Part,

<sup>Interpre-</sup>  
<sup>tation</sup>

- (a) "adopted child" means infant or other person adopted;
- (b) "adopting parent" means person who adopts an infant;
- (c) "infant" means person under twenty-one years of age or other person sought to be adopted. R.S.O. 1950, c. 7, s. 1.

**66.**—(1) The court having jurisdiction to make an adoption <sup>Jurisdiction</sup> order shall be the Supreme Court or the judge, junior or <sup>as to making</sup> acting judge of the county or district court within whose <sup>order</sup> jurisdiction either the applicant or the person to be adopted resides at the time of the application for the order. R.S.O. 1950, c. 7, s. 15 (1), *amended*.



Application  
may be  
heard in  
chambers

(2) An application for an adoption order may be heard and determined in chambers. R.S.O. 1950, c. 7, s. 15 (2), *part.*

Born out  
of wedlock  
not to  
appear

(3) If the adopted child was born out of wedlock, this fact shall not appear upon the face of the adoption order. R.S.O. 1950, c. 7, s. 15 (3), *part.*

Papers to  
be sealed

(4) The papers used upon an adoption application shall be sealed up and filed in the office of the court by the clerk of the court and shall not be open for inspection save upon the direction of a judge or the Director. R.S.O. 1950, c. 7, s. 15 (4), *amended.*

Guardian  
*ad litem*

(5) For the purpose of an application under this Part and subject to any rules under this section, the court may appoint some person to act as guardian *ad litem* of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the court, and may direct the applicant to pay the costs of the person so appointed. R.S.O. 1950, c. 7, s. 15 (5).

Where  
adoption  
orders may  
be made

**67.** The court may make an order for the adoption of any infant resident in Ontario upon an application therefor being made in the prescribed manner by any person domiciled in Canada and resident in Ontario. R.S.O. 1950, c. 7, s. 2, *amended.*

Where  
adoption  
orders  
may not  
be made

**68.—**(1) Notwithstanding section 67, the court shall not make an order for the adoption of an infant,

- (a) where the applicant, or either of joint applicants, is under twenty-five years of age or is less than twenty-one years older than the infant;
- (b) where the applicant is a male and the infant is a female under twenty-one years of age; or
- (c) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of an adoption order. R.S.O. 1950, c. 7, s. 3 (1); 1951, c. 2, s. 1.

Adoption  
by more  
than one  
person

(2) Except in the case of a joint application by a husband and wife, the court shall not make an order for the adoption of an infant by more than one person. R.S.O. 1950, c. 7, s. 3 (2).



**69.** An adoption order shall not be made upon the application of a husband or wife without the consent of the wife or husband, as the case may be. R.S.O. 1950, c. 7, s. 4. Consent of husband or wife of adopting parent

**70.**—(1) An adoption order in respect of an infant under twenty-one years of age who has not been married shall be made only with the consent of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the infant. R.S.O. 1950, c. 7, s. 5 (1). Consent, infant under 21;

(2) Notwithstanding subsection 1, where such infant is illegitimate the consent of the mother shall be sufficient for the purposes of that subsection, but if such illegitimate infant resides with and is maintained by the father, the consent of both mother and father shall be required. R.S.O. 1950, c. 7, s. 5 (2), *amended*. illegitimate infant;

(3) Where an infant referred to in subsection 1 or 2 has been committed permanently to the care and custody of a children's aid society, the consent of the society shall be sufficient for the purposes of subsection 1. R.S.O. 1950, c. 7, s. 5 (3). infant ward of children's aid society

**71.** An adoption order in respect of a person who is over twenty-one years of age or who is under twenty-one years of age and has been married shall be made only with the consent of the person to be adopted, and where such person is married, the consent of the spouse. R.S.O. 1950, c. 7, s. 6. Consent, person over 21

**72.**—(1) Every consent required under this Part shall have attached thereto an affidavit of execution in the prescribed form. *New*. Affidavit of execution

(2) The court may dispense with any consent required under this Part except that mentioned in subsection 3 of section 70 if, having regard to all the circumstances of the case, the court is of opinion that the consent may properly be dispensed with. R.S.O. 1950, c. 7, s. 7. Where consent may be dispensed with

**73.** An adoption order in respect of an infant who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing, Director's certificate, infant under 21

- (a) that the infant has resided for at least one year with the applicant and that during that period the conduct of the applicant and the conditions under which the infant has lived have been such as in his opinion justifies the making of the order; or

(b)

- (b) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the infant and that for the reasons set out in the certificate it is in the best interests of the infant that the period of residence be dispensed with. R.S.O. 1950, c. 7, s. 8; 1951, c. 2, s. 2, *amended*.

Director's  
certificate,  
persons  
over 21

**74.**—(1) An adoption order in respect of a person over twenty-one years of age or who is under twenty-one years of age and has been married shall not be made unless the Director certifies in writing that the person sought to be adopted has been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption.

Review  
by court

(2) Where the Director is unable to make such a certificate, he shall so certify in writing and in any such case the court may review all the circumstances and if the court is satisfied that the person to be adopted has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption, the court may make an adoption order. R.S.O. 1950, c. 7, s. 9, *amended*.

Conditions  
precedent  
to granting  
of order

**75.** The court before making an adoption order shall be satisfied,

- (a) that every person whose consent is necessary under this Part and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent, understands that the effect of the adoption order will be to deprive him or her permanently of his or her parental rights; and
- (b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and
- (c) that no person has given, received, or agreed to give or receive any payment or reward to or from any person in consideration of the adoption. R.S.O. 1950, c. 7, s. 10, *amended*.

Order may  
be upon  
terms and  
conditions

**76.** The court may impose such terms and conditions in an adoption order as the court thinks fit and in particular may require the adopting parent by bond or otherwise to make for the adopted child such provision as in the opinion of the court is just and expedient. R.S.O. 1950, c. 7, s. 11.

77.—(1) Upon an adoption order being made and unless <sup>Surname</sup> the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent. R.S.O. 1950, c. 7, s. 12 (1), *part, amended*.

(2) In and by an adoption order, the court may in its discretion change the Christian or given name or names of the child to be adopted giving the child such name or names as the adopting parents may desire, and thereafter the child shall be entitled to and known by the name or names so given. R.S.O. 1950, c. 7, s. 12 (2).

(3) Upon an adoption order being made, all the rights, <sup>Rights</sup> duties, obligations and liabilities of the parent or parents, <sup>duties,</sup> guardian or guardians of the adopted child in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a guardian or to consent or give notice of dissent to marriage, are extinguished, and all such rights, duties, obligations and liabilities vest in and are exercisable by and enforceable against the adopting parent as though the adopted child was a child born to the adopting parent in lawful wedlock, and in respect of the same matters and in respect of the liability of a child to maintain his parents, the adopted child stands to the adopting parent in the position of a child born to the adopting parent in lawful wedlock. R.S.O. 1950, c. 7, s. 12 (1), *part*.

(4) Where a husband and wife are the adopting parents, <sup>Idem</sup> they shall, in respect of the matters mentioned in subsection 3 and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the adopted child in the same relation as they would have stood if they had been the lawful father and mother of the adopted child, and the adopted child shall stand to them respectively in the same relation as a child stands to a lawful father and mother respectively. R.S.O. 1950, c. 7, s. 12 (1), *part*.

(5) An adoption order does not deprive the adopted child of any right to or interest in property to which, but for the order, the child would have been entitled under an intestacy or disposition, whether occurring or made before or after the making of the adoption order. R.S.O. 1950, c. 7, s. 12 (3), *part*. <sup>Rights to and interest in property</sup>

(6) An adoption order confers upon the adopted child or <sup>Idem</sup> any issue of the adopted child the same rights to and interests in property under any intestacy of or disposition by the adopting parent or any kindred of the adopting parent as if the adopted child was a child born to the adopting parent in lawful wedlock. R.S.O. 1950, c. 7, s. 12 (3), *part, amended*.

Disposition  
of property  
where child  
dies  
intestate

(7) If an adopted child dies intestate, his property acquired by himself or by gift or inheritance from his adopting parent or from the kindred of such parent shall be distributed as though he was a child born to the adopting parent in lawful wedlock and property acquired by gift or inheritance from his natural parent or kindred shall be distributed as if no adoption order had been made. R.S.O. 1950, c. 7, s. 12 (8).

Succession  
duty rates  
Rev. Stat.,  
c. 378

(8) Where any duty is levied under *The Succession Duty Act* on the death of an adopted child,

(a) on property passing on his death to or for the benefit of the adopting parent or the kindred of the adopting parent; or

(b) on the parent or kindred,

such duty is payable at the same rate and to the same extent as if the adopted child was a child born to the adopting parent in lawful wedlock.

Idem

(9) Where any duty is levied under *The Succession Duty Act* on the death of an adopting parent or the kindred of an adopting parent,

(a) on property passing on the death of such parent to or for the benefit of the adopted child or any issue of the adopted child; or

(b) on the adopted child or issue,

such duty is payable at the same rate and to the same extent as if the adopted child was a child born to the adopting parent in lawful wedlock. R.S.O. 1950, c. 7, s. 12 (4), *amended*.

Interpre-  
tation

(10) For the purposes of this section, "disposition" means an assurance of any interest in property by any instrument whether *inter vivos* or by will, including codicil.

Rights re  
fatal  
accidents

(11) For the purposes of the enactments relating to fatal accidents, the adopting parent shall be deemed to be the parent of the child. R.S.O. 1950, c. 7, s. 12 (5, 6).

Status of  
adopted  
child

(12) Except as provided in this Part, an adopted child shall not be deemed the child of the adopting parent. R.S.O. 1950, c. 7, s. 12 (7), *amended*.

Illegitimate  
child

(13) An adoption order made with respect to an illegitimate child is not affected in any way by the intermarriage of his parents. R.S.O. 1950, c. 7, s. 12 (9).



**78.** A person domiciled in any other province of Canada who has been adopted in accordance with the laws of the province where he is domiciled is entitled to the same rights of succession as to property in Ontario as he would have had in the province in which he was adopted but not exceeding the right he would have had if adopted under this Part. Rights to succession of Ontario property  
R.S.O. 1950, c. 7, s. 18.

**79.—**(1) Upon an application for an adoption order, the court may postpone the determination of the application and may make an interim order giving the custody of the infant to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the court thinks fit. Interim order  
R.S.O. 1950, c. 7, s. 13 (1), *part, amended*.

(2) An interim custody order is not an adoption order. Idem  
R.S.O. 1950, c. 7, s. 13 (1), *part*.

(3) All consents required for an adoption order are necessary for an interim custody order but subject to a like power on the part of the court to dispense with any such consent. Consents  
R.S.O. 1950, c. 7, s. 13 (3).

(4) Notwithstanding anything to the contrary in this Part, where an applicant has obtained an interim custody order and subsequently takes up residence outside Ontario, the court may nevertheless make the order of adoption applied for if the Director makes the certificate mentioned in section 73. Residence outside Ontario  
*New*.

**80.** An adoption order or an interim custody order may be made in respect of an infant who has previously been the subject of an adoption order, and, upon an application for another adoption order, the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the infant for all the purposes of this Part. Effect of order on previous adoption  
R.S.O. 1950, c. 7, s. 14.

**81.—**(1) The proper officer of the court shall transmit to the Registrar-General a certified copy of every adoption order, under the seal of the proper certifying authority, within ten days of the making of the order. Copy of order to Registrar-General

(2) Where the adopted child was born outside of Ontario, two certified copies shall be so transmitted. Additional copy  
R.S.O. 1950, c. 7, s. 17.



Rights of  
infants  
heretofore  
adopted

**82.** The property and rights of all persons heretofore adopted under the laws of Ontario shall be governed by this Part. R.S.O. 1950, c. 7, s. 20, *amended*.

Registration  
of infants  
placed for  
adoption

**83.**—(1) Every person who places an infant with another person on the understanding that such other person will adopt the infant shall, within thirty days after the day on which the infant is so placed, register the placement with the Director in the prescribed form.

Information

(2) The Director may by inquiry through a children's aid society obtain such information with respect to an infant so placed as he considers necessary for the purposes of the certificate mentioned in section 73 or 74.

Offence

(3) Every person who fails to comply with subsection 1 is guilty of an offence and upon summary conviction is liable to a penalty of not more than \$100 or to imprisonment for a term of not more than six months, or both. *New*.

Offence

**84.** Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of an infant under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure an infant for the purpose of adoption, is guilty of an offence and upon summary conviction is liable to a penalty of not more than \$2,000 or to imprisonment for a term of not more than three years, or both. R.S.O. 1950, c. 7, s. 16, *amended*.

## PART V

### REGULATIONS, MISCELLANEOUS

Regulations

**85.** The Lieutenant-Governor in Council may make regulations,

- (a) prescribing additional duties of the Director;
- (b) prescribing provisions to be included in the by-laws of children's aid societies; *New*.
- (c) prescribing the amounts of annual grants to children's aid societies, the manner of computing and paying such grants, and the conditions upon which such grants may be paid;
- (d) prescribing the formula to be used in establishing the rate;

(e)

- (e) governing the construction, alteration, remodelling, extension and equipment of receiving homes;
- (f) prescribing rules under which applications under this Act or any part thereof are to be made, and dealing generally with all matters of procedure under this Act or any Part thereof;
- (g) for fixing fees, costs, charges and expenses payable on proceedings under this Act or any Part thereof and for dispensing with the payment of such fees, costs, charges and expenses where owing to lack of means or any other reason the judge considers such action advisable;
- (h) prescribing forms for use under this Act or any Part thereof;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act or any Part thereof. R.S.O. 1950, c. 7, s. 15 (2); c. 51, s. 7; c. 53, s. 41, *amended*.

**86.** *The Adoption Act, The Adoption Amendment Act, 1951, Rev. Stat., c. 7; The Children of Unmarried Parents Act, The Children of 1951, c. 2; Unmarried Parents Amendment Act, 1952, The Children's Rev. Stat., c. 51; Protection Act, The Children's Protection Amendment Act, 1952, c. 8; 1951 and The Children's Protection Amendment Act, 1952 are Rev. Stat., c. 53; 1951, c. 11; 1952, c. 9, repealed.*

**87.** This Act comes into force on the 1st day of January, 1955. Commence-  
ment

**88.** This Act may be cited as *The Child Welfare Act, 1954*. Short title



## CHAPTER 9

## An Act to amend The Community Centres Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 6 of *The Community Centres Act* is repealed and the following substituted therefor: Rev. Stat., c. 58, s. 6, subs. 1, re-enacted

- (1) Every community centre established by a municipality under this Act shall be under the management and control of a board appointed by the council of the municipality composed of not less than three and not more than seven resident ratepayers and where the board is composed of five or more persons at least two shall be members of the council. Composition of board

(2) Subsections 3 and 4 of the said section 6 are repealed and the following substituted therefor: Rev. Stat., c. 58, s. 6, subss. 3, 4, re-enacted

- (3) The members of the board shall be appointed annually by the council. Appointments

- (4) A majority of the members of the board shall be a quorum. Quorum

2. This Act may be cited as *The Community Centres Amendment Act, 1954*. Short title





## CHAPTER 10

## An Act to amend The Conservation Authorities Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Conservation Authorities Act* is amended by adding thereto the following clause:

Rev. Stat.,  
c. 62, s. 1,  
amended

(ee) "Minister" means Minister of Planning and Development.

**2.** Section 2 of *The Conservation Authorities Act* is repealed.

Rev. Stat.,  
c. 62, s. 2,  
repealed

**3.** *The Conservation Authorities Act* is amended by striking out the words "of Public Works" where they occur,

Rev. Stat.,  
c. 62,  
amended

(a) in the third and sixth lines respectively of subsection 1 of section 3;

(b) in the first line of subsection 1 of section 4;

(c) in the third line of section 5;

(d) in the fifth line of clause *b* of subsection 1 of section 6;

(e) in the first line of subsection 4 of section 6;

(f) in the fourth line of clause *b* of section 7;

(g) in the second and third lines of subsection 3 of section 8;

(h) in the seventh line of subsection 1 of section 19.

**4.** Clauses *a*, *b* and *c* of subsection 2 of section 3 of *The Conservation Authorities Act* are repealed and the following substituted therefor:

Rev. Stat.,  
c. 62, s. 3,  
subs. 2,  
cls. *a-c*,  
re-enacted

(a)

- (a) where the population is 250,000 or more, five representatives;
- (b) where the population is 100,000 or more but less than 250,000, four representatives;
- (c) where the population is 50,000 or more but less than 100,000, three representatives;
- (d) where the population is 10,000 or more but less than 50,000, two representatives; and
- (e) where the population is less than 10,000, one representative.

Rev. Stat.,  
c. 62,  
amended

**5.** *The Conservation Authorities Act* is amended by adding thereto the following section:

Amalgama-  
tion of  
authorities

6a.—(1) Where,

- (a) two or more authorities have been established for two or more adjoining watersheds or parts thereof; and
- (b) one or more of such authorities by resolution requests the Minister to call a meeting to consider the establishment of one authority to have jurisdiction over the areas then under the separate jurisdictions of such authorities,

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of each of the authorities concerned and the council of each municipality which is a participating municipality with respect to any of the authorities concerned.

Representa-  
tives

- (2) With respect to each municipality so notified, subsection 2 of section 3 shall apply.

Quorum

- (3) At any meeting called under this section a quorum shall consist of two-thirds of the representatives which the municipalities notified are entitled to appoint but where not less than three representatives are present at a meeting or adjourned meeting they may adjourn the meeting or adjourned meeting from time to time.

Establish-  
ment of new  
authority

- (4) Upon receipt by the Minister of a resolution passed at a meeting or adjourned meeting held under subsection 3 and at which a quorum was present, by

not

not less than two-thirds of the representatives present thereat, requesting the establishment of one authority for the watersheds or parts of watersheds concerned, the Lieutenant-Governor in Council may establish an authority accordingly, dissolve the existing authorities, and designate the municipalities which shall be the participating municipalities and the area over which the authority shall have jurisdiction.

- (5) Upon the establishment of a new authority and the dissolution of the existing authorities under sub-section 4, all the assets and liabilities of the dissolved authorities shall vest in and become assets and liabilities of the new authority.

**6.** Section 15 of *The Conservation Authorities Act* is amended by adding thereto the following clauses:

Assets and  
liabilities  
of former  
authorities

Rev. Stat.,  
c. 62, s. 15,  
amended

- (ee) to enter into agreements with owners of private lands to facilitate the due carrying out of any scheme or conservation project;

. . . . .

- (gg) to acquire lands, with the approval of the Minister, and to use lands acquired in connection with a scheme, for recreation purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof.

**7.** Subsection 2 of section 16 of *The Conservation Authorities Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 62, s. 16,  
subs. 2,  
re-enacted

- (2) Any municipal council which is dissatisfied with any such apportionment may, within one month after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the authority in writing by prepaid registered mail that it applies for a review of the apportionment by the Ontario Municipal Board.

Review of  
apportion-  
ment by  
Municipal  
Board

**8.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**9.** This Act may be cited as *The Conservation Authorities Amendment Act, 1954*.

Short title



## CHAPTER 11

**An Act to amend The Controverted  
Elections Act**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 14 of *The Controverted Elections Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the second line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 67, s. 14, subs. 3, amended

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Controverted Elections Amendment Act, 1954*. Short title





## CHAPTER 12

### An Act to amend The Conveyancing and Law of Property Act

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Conveyancing and Law of Property Act* is amended by adding thereto the following sections: Rev. Stat.,  
c. 68,  
amended

62.—(1) In this section, Interpre-  
tation

- (a) “employee” means an employee or former employee who is participating in a plan;
- (b) “employer” includes the trustee under a plan;
- (c) “plan” means an employee pension, retirement, welfare or profit-sharing fund or plan.

(2) Where in accordance with the terms of a plan an employee has designated a person or persons to receive a benefit payable under the plan in the event of the employee’s death, Appoint-  
ments of  
beneficiaries  
under em-  
ployee bene-  
fit plans  
validated

- (a) the employer is discharged upon paying to such person or persons the amount of the benefit;
- (b) such person or persons may upon the death of the employee enforce payment of the benefit, but the employer is entitled to set up any defence which he could have set up against the employee or his personal representatives.

(3) An employee may from time to time alter or revoke a designation made under a plan but any such alteration or revocation may only be made in the manner set forth in the plan. Change of  
designation

(4) This section does not apply to a designation of a beneficiary to which *The Insurance Act* applies. Application  
Rev. Stat.,  
c. 183

Rules as to  
perpetuities  
and accumu-  
lations not  
applicable to  
employee  
benefit  
trusts

63. The rules of law and statutory enactments relating to perpetuities and to accumulations do not apply and shall be deemed never to have applied to the trusts of a plan, trust or fund established for the purpose of providing pensions, retirement allowances, annuities, or sickness, death or other benefits to employees or to their widows, dependants or other beneficiaries.

Short title

- 2.** This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1954*.

## CHAPTER 13

## An Act to amend The Coroners Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Coroners Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 70, s. 3,  
amended

- (3) Where the chief coroner of a city is also the super-secretary vising coroner and the corporation of the city has appointed or appoints a secretary for him, the corporation shall be reimbursed quarterly out of the Consolidated Revenue Fund to the extent of one-third of the salary and the cost of living bonus, if any, of such secretary and one-third of the amount, if any, paid by the corporation under the civic pension fund or plan in respect of such secretary.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Coroners Amendment Act*, Short title 1954.





## CHAPTER 14

### An Act to amend The Corporations Act, 1953

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 3 of *The Corporations Act, 1953* <sup>1953, c. 19, s. 3, subs. 2, amended</sup> is amended by striking out the words "estates, partnerships and corporations" in the seventh and eighth lines and inserting in lieu thereof the words "corporations, partnerships and estates, other than estates of deceased persons", so that the subsection shall read as follows:

(2) Notwithstanding anything in subsection 1, a private <sup>Incorporation of private company with limited objects</sup> company may be incorporated under this Act with power to lend and invest money on mortgage of real estate or otherwise, or with power to accept and execute the office of liquidator, receiver, assignee, trustee in bankruptcy or trustee for the benefit of creditors and to accept the duty of and to act generally in the winding up of corporations, partnerships and estates, other than estates of deceased persons, and shall not by reason thereof be deemed to be a corporation within the meaning of *The Loan and Trust Corporations Act*, but the number of its shareholders shall be limited by its letters patent or supplementary letters patent to five, and no such company shall issue securities except to its shareholders, or borrow money on the security of its property except from its shareholders, or receive money on deposit.

**2.** Item 5 of subsection 1 of section 18 of *The Corporations Act, 1953* <sup>1953, c. 19, s. 18, subs. 1, item 5, amended</sup> is amended by inserting after the word "consideration" where it occurs in the fifth and sixth lines respectively the words "if any", so that the item shall read as follows:

5. The authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares of each class, and the par value of each share, or, where the shares are to be without par value, the

consideration,

consideration, if any, exceeding which each share or the aggregate consideration, if any, exceeding which all the shares of each class may not be issued.

1953, c. 19,  
s. 22, subs. 1,  
cl. *k*, re-  
enacted

3. Clause *k* of subsection 1 of section 22 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

- (*k*) to raise and assist in raising money for, and to aid by way of bonus, loan, promise, endorsement, guarantee or otherwise, any person or company with whom or which the company may have business relations or any of whose shares, securities or other obligations are held by the company and to guarantee the performance or fulfilment of any contracts or obligations of any such person or company, and in particular to guarantee the payment of the principal of and interest on securities, mortgages and liabilities of any such person or company.

1953, c. 19,  
s. 23,  
subs. 3,  
re-enacted

4. Subsection 3 of section 23 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

By by-law  
only

- (3) The powers under clause *b, c, d* or *e* of subsection 2 may be exercised only under the authority of a by-law passed by the directors and confirmed by at least two-thirds of the votes cast at a general meeting of the shareholders duly called for considering the by-law.

1953, c. 19,  
s. 24, subs. 4,  
amended

5.—(1) Subsection 4 of section 24 of *The Corporations Act, 1953* is amended by striking out the word "shall" in the fourth line and inserting in lieu thereof the word "may", so that the subsection shall read as follows:

Considera-  
tion for  
no par  
shares

- (4) Where the shares of a company are without par value or where part of its shares are with par value and part are without par value, the letters patent or supplementary letters patent may provide that each share without par value or the shares of each class of shares without par value shall not be issued for a consideration exceeding in amount or value a stated amount in dollars, pounds, francs or other currency, and the letters patent or supplementary letters patent may provide, in addition, that such share or shares may be issued for such greater amount as the board of directors of the company may deem expedient on payment to the Treasurer of Ontario of the fees payable on such greater amount and on the issuance by the Provincial Secretary of a certificate of such payment.

(2) Subsection 5 of the said section 24 is repealed.

1953, c. 19,  
s. 24, subs. 5  
repealed

**6.**—(1) Subsection 7 of section 27 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

1953, c. 19,  
s. 27, subs. 7,  
re-enacted

(7) Except as provided in subsections 7a and 7b, where the preference shares of a class are made redeemable by the letters patent or supplementary letters patent and where at any time some but not all of such shares are to be redeemed, the shares to be redeemed shall be selected by lot in such manner as the board of directors determines or as nearly as may be in proportion to the number of shares registered in the name of each shareholder.

Redemption  
of part

(7a) Where at least 95 per cent of the holders of the preference shares of a class holding at least 95 per cent of the issued shares of such class consent in writing and where, after twenty-one days notice has been given by sending the notice to each of the holders of shares of such class to his last address as shown on the books of the company, none of the holders of shares of such class dissents in writing to the company, the company may redeem all or any of such shares in such manner as the board of directors determines.

Redemption  
of all  
or part

(7b) Where a holder of shares of a private company dies or leaves its employment, it may within one year of such event redeem all or any of the shares held by the deceased shareholder or former employee.

Redemption  
of shares  
of private  
company

(2) Subsection 8 of the said section 27 is amended by adding at the end thereof the figures, letters and word "7a or 7b", so that the subsection shall read as follows:

1953, c. 19,  
s. 27, subs. 8,  
amended

(8) The letters patent or supplementary letters patent of a company may withhold any of the powers set out in subsection 7, 7a or 7b.

Power to  
withhold

(3) Subsection 14 of the said section 27 is amended by inserting after the figure "7" in the first line the figures and letters "7a, 7b", so that the subsection shall read as follows:

1953, c. 19,  
s. 27,  
subs. 14,  
amended

(14) Subsections 1, 4, 7, 7a, 7b and 9 do not apply to shares authorized before the 30th day of April, 1954.

**7.**—(1) Subsections 3 and 4 of section 33 of *The Corporations Act, 1953* are repealed and the following substituted therefor:

1953, c. 19,  
s. 33,  
subss. 3, 4,  
re-enacted

under  
cls. *o* to *r*

- (3) An application under clauses *o* to *r* of subsection 1 shall be authorized by a resolution of the board of directors and confirmed in writing by at least 95 per cent of the shareholders holding at least 95 per cent of the issued capital, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each shareholder to his last address as shown on the books of the company and only if at the expiration of the twenty-one days none of the shareholders has dissented in writing to the company.

Additional  
authoriza-  
tion for  
variation of  
rights of  
preference  
shareholders

- (4) If the application is to delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to any class of preference shares or to create preference shares ranking in priority to or on a parity with any existing class of preference shares, then, subject to subsection 4*a* and in addition to the authorization required by subsection 2, the application shall not be made,

(*a*) until the application has been authorized in writing by at least 95 per cent of the holders of the shares of such class or classes of shares holding at least 95 per cent of the issued shares of such class or classes; and

(*b*) until twenty-one days notice of the application has been given by sending the notice to each of the holders of shares of such class or classes to his last address as shown on the books of the company and at the expiration of the twenty-one days none of the holders of such class or classes has dissented in writing to the company.

Idem

- (4*a*) If the letters patent or supplementary letters patent so provide, the authorization required by subsection 4 may be given by at least two-thirds of the votes cast at a meeting of the holders of such class or classes of shares duly called for that purpose.

1953, c. 19,  
s. 33, subs. 5,  
amended

- (2) Subsection 5 of the said section 33 is amended by inserting after the figure "4" in the last line the word, figure and letter "or 4*a*", so that the subsection shall read as follows:

Exception

- (5) Where letters patent or supplementary letters patent issued before the 30th day of April, 1954, provide for an authorization for an application for supplementary letters patent to delete or vary any preference,

right,



right, condition, restriction, limitation or prohibition attaching to preference shares or to create preference shares ranking in priority to or on a parity with any existing class of preference shares, such authorization shall be effective, and subsection 4 or 4a does not apply.

8. Subsection 4 of section 36 of *The Corporations Act, 1953* is amended by inserting after the word "where" in the first line the words "it is made to appear that" and by inserting after the word "shareholders" in the first line the words "who may be", so that the subsection shall read as follows:

- (4) Where it is made to appear that there are numerous shareholders who may be liable under this section, the court may permit an action to be brought against one or more of them as representatives of the class, and if the plaintiff establishes his claim as creditor, may make an order of reference and add as parties in the Master's office all such shareholders as may be found, and the Master shall determine the amount that each should contribute towards the plaintiff's claim and may direct payment of the sums so determined.

9. Subsection 3 of section 37 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

- (3) For the purpose of consolidating fractions of shares into whole shares a company may purchase fractions of shares and if it does so it shall sell forthwith the whole shares resulting from the consolidation.

10. Section 52 of *The Corporations Act, 1953* is amended by striking out the words "and production and deposit of a sworn statement of the successor establishing his claim" in the fifth and sixth lines of clause *c* and by inserting after the article "a" in the thirty-fourth line the word "sworn", so that clause *c* and the last three lines of the section shall read as follows:

- (c) if the net value of the estate of the deceased holder is less than \$1,500 or if the market value of the shares or securities is less than \$300, upon proof thereof to the reasonable satisfaction of the company,

together with, in any such event, production and deposit by the successor of a sworn statement showing the nature of the transmission or vesting of title or control, as the case may be.



1953, c. 19, s. 61, subs. 7, re-enacted **11.** Subsection 7 of section 61 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

Where confirmed by-law required

- (7) Subject to subsection 8, the powers conferred by subsection 5 may be exercised only under the authority of a by-law passed by the directors and confirmed by at least two-thirds of the votes cast at a general meeting of the shareholders duly called for considering the by-law.

Idem

- (8) Where dividends have been paid by a company in any of the cases mentioned in subsection 5 without the authority of a by-law, the payment thereof is nevertheless valid if a by-law adopting and approving the payment is passed by the directors and confirmed by the shareholders in the manner mentioned in subsection 7.

1953, c. 19, s. 64, subs. 2, amended

**12.** Subsection 2 of section 64 of *The Corporations Act, 1953* is amended by adding at the end thereof the words "or to companies to which *The Credit Unions Act, 1953* applies", so that the subsection shall read as follows:

Co-ops  
1953, c. 26

- (2) This section does not apply to companies to which Part V applies or to companies to which *The Credit Unions Act, 1953* applies.

1953, c. 19, s. 74, amended

**13.** Section 74 of *The Corporations Act, 1953* is amended by adding thereto the following subsection:

Where section not to apply

- (4) This section does not affect the operation of any provision in the letters patent or supplementary letters patent of a company issued before the 30th day of April, 1954, respecting the holding of the meetings of the shareholders at any place outside of Ontario.

1953, c. 19, s. 75, subs. 2, amended

**14.—**(1) Subsection 2 of section 75 of *The Corporations Act, 1953* is amended by striking out the words "of its execution" in the sixth line and inserting in lieu thereof the word "thereof", so that the subsection shall read as follows:

Execution

- (2) An instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney authorized in writing, or, if the appointor is a corporation, under the corporate seal or under the hand of an officer or attorney so authorized, and ceases to be valid after the expiration of one year from the date thereof.

(2) Subsection 3 of the said section 75 is amended by striking out the words "of its execution" in the second line and inserting in lieu thereof the word "thereof", so that the subsection shall read as follows:

- (3) An instrument appointing a proxy shall contain the date thereof and the appointment and name of the proxy and may contain a revocation of a former instrument appointing a proxy, restrictions, limitations or instructions as to the manner in which the shares covered by the instrument are to be voted or which may be necessary to comply with the laws of any jurisdiction in which the shares of the company are listed on a recognized stock exchange, or a restriction or limitation as to the number of shares covered by the instrument, but nothing else.

15. Items 6 and 7 of subsection 1 of section 86 of *The Corporations Act, 1953* are repealed and the following substituted therefor:

6. Inventory, stating the basis of valuation.

7. Shares, bonds, debentures and other investments owned by the company, except those referred to in items 8 and 9, stating their nature and the basis of valuation thereof and showing separately such as are marketable with a notation of their market value.

16. Clause *b* of section 91 of *The Corporations Act, 1953* is amended by inserting after the word "incorporation" in the second line the words "instrument amending the instrument of incorporation", so that the clause shall read as follows:

- (b) amounts appropriated from earned surplus pursuant to the instrument of incorporation, instrument amending the instrument of incorporation or by-laws of the company for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred; and

. . . . .

17.—(1) Subsection 3 of section 113 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

- (3) An application under clauses *e* to *g* of subsection 1 shall be authorized by resolution of the board of directors and confirmed in writing by at least 95 per cent of the members, but the application shall

not be made until twenty-one days notice of the application has been given by sending the notice to each member to his last address as shown on the books of the corporation and only if at the expiration of the twenty-one days none of the members has dissented in writing to the corporation.

1953, c. 19,  
s. 113,  
subs. 4,  
amended

(2) Subsection 4 of the said section 113 is amended by inserting after the word "consideration" where it occurs in the sixth and seventh lines respectively the words "if any", so that the subsection shall read as follows:

Contents of  
application  
for con-  
version into  
company

(4) If the application is under clause *e*, *f* or *g* of subsection 1 and the corporation is to become a company, the application shall set forth the authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares of each class, the par value of each share, or, where the shares are to be without par value, the consideration, if any, exceeding which each share or the aggregate consideration, if any, exceeding which all the shares of each class may not be issued, and where there are to be preference shares, the preferences, rights, conditions, restrictions, limitations or prohibitions attaching to them or each class of them, and the terms and conditions on which the members will become shareholders.

1953, c. 19,  
s. 115,  
subs. 1,  
amended

**18.**—(1) Subsection 1 of section 115 of *The Corporations Act, 1953* is amended by inserting after the figures "68" in the second line the word "to", so that the subsection shall read as follows:

Application  
of Part II  
provisions  
to Part III  
corporations

(1) Clauses *a* to *p*, *s*, *u* and *v* of subsection 1 and subsection 2 of section 22, sections 58 to 60, 66, 68 to 70, 72 to 75, 79 and 80, subsection 1 of section 81, section 82, subsections 1 and 3 of section 83 and section 96 apply *mutatis mutandis* to corporations to which this Part applies, and in so applying them the word "company" means "corporation" and the word "shareholder" means "member".

1953, c. 19,  
s. 115,  
subs. 2,  
amended

(2) Subsection 2 of the said section 115 is amended by striking out the figures "86" in the first line and inserting in lieu thereof the figures "88", so that the subsection shall read as follows:

Co-ops

(2) Subsection 1 of section 22, sections 69, 83 to 88, 91 and 92 apply *mutatis mutandis* to corporations to which Part V applies, and in so applying them the

word "company" means "corporation" and the word "shareholder" means "member".

**19.** Section 117 of *The Corporations Act, 1953* is repealed <sup>1953, c. 19,</sup> and the following substituted therefor: <sup>s. 117,</sup> <sup>re-enacted</sup>

117. This Part applies,

Application

- (a) to every mining company incorporated before the 1st day of July, 1907;
- (b) to every mining company that was made subject to a predecessor of this Part by its letters patent or supplementary letters patent where the subsection has not been removed by supplementary letters patent; and
- (c) to every mining company made subject to this Part by its letters patent or supplementary letters patent where the subsection has not been removed by supplementary letters patent.

**20.** Section 120 of *The Corporations Act, 1953* is amended <sup>1953, c. 19,</sup> by striking out the word "holding" in the first line and <sup>s. 120,</sup> <sup>amended</sup> inserting in lieu thereof the words "who holds", so that the section shall read as follows:

120. No shareholder of a company who holds shares that <sup>Shareholders</sup> <sup>liability</sup> were validly issued at a discount before the 30th day of April, 1954, or that are validly issued at a discount on or after the 30th day of April, 1954, is personally liable for non-payment of any calls made upon his shares beyond the amount agreed to be paid therefor.

**21.** Section 121 of *The Corporations Act, 1953* is amended <sup>1953, c. 19,</sup> by striking out the words "written or printed immediately <sup>s. 121,</sup> <sup>amended</sup> after or under its name wherever its name is used by the company or by a director, officer or employee thereof, and on its seal, the words "NO PERSONAL LIABILITY", and shall have" in the first, second, third, fourth and fifth lines, so that the section shall read as follows:

121. Every company shall have upon every share certifi- <sup>Share</sup> <sup>certificates</sup> cate issued by the company distinctly written or printed in red ink, where such certificates are issued with respect to shares subject to call, the words "SUBJECT TO CALL", or, where issued with respect to shares not subject to call, the words "NOT SUBJECT TO CALL", as the case may be.



1953, c. 19,  
s. 123,  
subs. 1,  
re-enacted

**22.** Subsection 1 of section 123 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

Application

(1) This Part applies,

(a) to every corporation that was made subject to a predecessor of this Part by its letters patent or supplementary letters patent where the subsection has not been removed by supplementary letters patent; and

(b) to every corporation made subject to this Part by its letters patent or supplementary letters patent where the subsection has not been removed by supplementary letters patent.

1953, c. 19,  
s. 124,  
subs. 3,  
amended

**23.**—(1) Subsection 3 of section 124 of *The Corporations Act, 1953* is amended by adding at the end thereof the words “whether or not the word, abbreviation or derivation is used in or in conjunction with the name”, so that the subsection shall read as follows:

Prohibition

(3) No person not being a corporation to which this Part applies shall use in Ontario a name that includes the word “co-operative” or any abbreviation or derivation thereof whether or not the word, abbreviation or derivation is used in or in conjunction with the name.

1953, c. 19,  
s. 124,  
subs. 5,  
amended

(2) Subsection 5 of the said section 124 is amended by striking out the word “or” in the third line and by adding at the end thereof the words “or to any corporation to which *The Credit Unions Act, 1953* applies”, so that the subsection shall read as follows:

Exceptions

(5) Subsection 3 does not apply to any corporation incorporated by or under the authority of the Parliament of Canada, to any corporation licensed under Part IX, to any corporation incorporated under the laws of Ontario before the 12th day of April, 1917, or to any corporation to which *The Credit Unions Act, 1953* applies.

1953, c. 26

1953, c. 19,  
s. 129,  
subs. 2,  
re-enacted

**24.** Subsection 2 of section 129 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

Idem

(2) An individual member or shareholder of a corporation has only one vote.



**25.** Subsection 4 of section 136 of *The Corporations Act*, 1953, c. 19, s. 136, 1953 is amended by adding at the end thereof the words subs. 4, "and participating in the discussions at such meetings", amended so that the subsection shall read as follows:

- (4) No such by-law shall prohibit members or share-Saving holders from attending meetings of delegates and participating in the discussions at such meetings.

**26.** Section 139 of *The Corporations Act*, 1953 is amended 1953, c. 19, s. 139, amended by adding thereto the following subsection:

- (2) A corporation may enact by-laws authorizing the deduction from the patronage return allocated, credited or paid to each of its members or share-holders of an amount not exceeding \$1 a year and authorizing the payment of the amount deducted to a union or federation of corporations for educational purposes. Support of educational work

**27.** Subsection 4 of section 142 of *The Corporations Act*, 1953, c. 19, s. 142, subs. 4, 1953 is repealed. repealed

**28.** Subsection 4 of section 144 of *The Corporations Act*, 1953, c. 19, s. 144, subs. 4, 1953 is repealed and the following substituted therefor: re-enacted

- (4) The authorized capital shall be divided into shares Par value of shares of \$100 each, but where not less than \$200,000 of the authorized capital has been paid in in cash, the shares or any class of shares may be redivided into shares having a par value of \$5 or a multiple thereof or an additional class or classes of shares having a par value of \$5 or a multiple thereof may be created.

**29.** Subsection 13 of section 150 of *The Corporations Act*, 1953, c. 19, s. 150, subs. 13, 1953 is repealed and the following substituted therefor: re-enacted

- (13) The powers of a mutual fire insurance corporation Powers without guarantee capital stock shall be limited to undertaking contracts of fire insurance upon agricultural property or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act* but may be extended by supplementary letters patent to include, in the case of property that it insures against fire, any class or classes of insurance set out in section 27 of *The Insurance Act*, but if such powers are extended to include weather insurance, all liability for loss in excess of \$100 on any risk covered by weather insurance shall be re-insured with a licensed weather insurance company. Rev. Stat., c. 183

Application  
of proviso  
in subs. 13

- (14) The re-insurance requirement under subsection 13 with respect to weather insurance shall not apply to a mutual fire insurance corporation without guarantee capital stock that is restricted by its licence to insuring the plant and stock of millers and grain dealers used in connection with the grain trade, and the dwellings, outbuildings and contents thereof owned by such millers and grain dealers or their employees, against fire and any other class or classes of insurance set out in section 27 of *The Insurance Act*.

1953, c. 19,  
s. 152,  
subs. 3,  
amended

**30.** Subsection 3 of section 152 of *The Corporations Act, 1953* is amended by inserting after the word "property" in the fifth line the words "or property which is not mercantile or manufacturing", so that the subsection shall read as follows:

Powers

- (3) The letters patent or supplementary letters patent shall limit the powers of a mutual weather insurance corporation without guarantee capital stock incorporated under this section to undertaking contracts of insurance on the premium note plan on any kind of agricultural property or property which is not mercantile or manufacturing against loss or injury arising from such atmospheric disturbances, discharges or conditions as the contract of insurance specifies.

1953, c. 19,  
s. 207,  
subs. 6,  
cl. a, re-  
enacted

**31.—**(1) Clause *a* of subsection 6 of section 207 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

1938, c. 49  
(Can.)  
R.S.C. 1952,  
c. 188

- (a) may lend its funds, or any portion thereof, on the security of real estate pursuant to *The National Housing Act, 1938* (Canada), the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, or may make loans on the security of real estate or leaseholds or other estate or interest therein in excess of 60 per cent of the value of the real estate or interest therein which forms the security for such loan or in excess of the amount which may be loaned in accordance with the *National Housing Act* (Canada) or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by a municipality under *The Housing Development Act*.

Rev. Stat.,  
c. 174

1953, c. 19,  
s. 207,  
subs. 6,  
cl. c, re-  
enacted

(2) Clause *c* of subsection 6 of the said section 207 is repealed and the following substituted therefor:

(c)

- (c) may, if it is incorporated for the purpose of under-taking life insurance, invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent in any other classes or types of investment pursuant to the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, including the purchase of land, the improvement thereof, construction of buildings thereon, and the management and disposal of such land and buildings.

**32.** Clause *b* of subsection 1 of section 217 of *The Cor-*<sup>1953, c. 19,</sup>  
*porations Act, 1953* is amended by inserting after the word <sup>s. 217,</sup>  
“incorporation” in the second line the words “instrument <sup>subs. 1,</sup>  
amending the instrument of incorporation”, so that the clause <sup>cl. 6,</sup>  
shall read as follows: <sup>amended</sup>

- (b) amounts appropriated from surplus pursuant to the instrument of incorporation, instrument amending the instrument of incorporation or by-laws of the insurer for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred; and

. . . . .

**33.** Section 218 of *The Corporations Act, 1953* is repealed<sup>1953, c. 19,</sup>  
and the following substituted therefor: <sup>s. 218,</sup>  
<sup>re-enacted</sup>

218. The auditor of a joint stock insurance company or Auditor's  
a cash mutual insurance corporation shall in the report,  
report required to be made by subsection 2 of section joint stock  
82 also make such statements as he considers neces- insurance  
sary, companies  
and cash  
mutuals

- (a) if, in the case of corporations transacting other than life insurance, the provision for unearned premiums is not calculated as re-  
quired by *The Insurance Act*; Rev. Stat.,  
c. 183
- (b) if the provision for unpaid claims, in his opinion, is not adequate;
- (c) if the financial statement includes as assets items prohibited by *The Insurance Act* from being shown in the annual statements required to be filed thereunder; or

(d)

- (d) if any of the transactions of the corporation that have come to his notice have not been within its powers.

1953, c. 19,  
s. 223,  
subs. 5,  
amended

**34.** Subsection 5 of section 223 of *The Corporations Act, 1953* is amended by striking out the words "renewal receipt" in the third line and inserting in lieu thereof the words "premium notice or each premium receipt", so that the subsection shall read as follows:

Annual  
meeting

- (5) Every such life insurance company shall have a fixed time in each year for its annual meeting and such time shall be printed in prominent type on each premium notice or each premium receipt issued by the company, and in addition to all other notices required to be given by this Act, it shall give fifteen days notice of such meeting in two or more daily newspapers published at or as near as may be to the place where the company has its head office.

1953,  
c. 19, s. 286,  
amended

**35.** Section 286 of *The Corporations Act, 1953* is amended by striking out the word "to" in the seventh line and inserting in lieu thereof the word "may", so that the section shall read as follows:

General  
corporate  
powers

286. Every corporation, unless otherwise expressly provided in the Act or instrument creating it, has and shall be deemed to have had from its creation, the capacity of a natural person and may exercise its powers beyond the boundaries of Ontario to the extent to which the laws in force, where the powers are sought to be exercised, permit, and may accept extra-provincial powers and rights.

1953, c. 19,  
s. 308,  
subs. 1, 2, 3,  
re-enacted

**36.—**(1) Subsections 1, 2 and 3 of section 308 of *The Corporations Act, 1953* are repealed and the following substituted therefor:

Circulation  
of  
shareholders'  
resolutions,  
etc.

- (1) On the requisition in writing of shareholders of a company holding not less than one-twentieth of the issued shares of the company that carry the right to vote at the meeting to which the requisition relates or not less than one-twentieth of the members of a corporation without share capital entitled to vote at the meeting to which the requisition relates, as the case may be, the directors shall,

- (a) give to the shareholders or members entitled to notice of the next meeting of shareholders or members notice of any resolution that may properly be moved and is intended to be moved at that meeting; or

(b)



(b) circulate to the shareholders or members entitled to vote at the next meeting of shareholders or members a statement of not more than 1,000 words with respect to the matter referred to in any proposed resolution or with respect to the business to be dealt with at that meeting.

(2) The notice or statement, or both, as the case may be, shall be given or circulated by sending a copy thereof to each shareholder or member entitled thereto in the same manner and at the same time as that prescribed by this Act for the sending of notice of meetings of shareholders or members. <sup>Notice</sup>

(3) Where it is not practicable to send the notice or statement, or both, at the same time as the notice of the meeting is sent, the notice or statement, or both, shall be sent as soon as practicable thereafter. <sup>Idem</sup>

(2) The said section 308 is amended by adding thereto the following subsections: <sup>1953, c. 19, s. 308, amended</sup>

(4a) The directors are not bound under this section to circulate any statement if, on the application of the corporation or any other person who claims to be aggrieved, the court is satisfied that the rights conferred by this section are being abused to secure needless publicity for defamatory matter, and on any such application the court may order the costs of the corporation to be paid in whole or in part by the requisitionists notwithstanding that they are not parties to the application. <sup>Where directors not bound to circulate statement</sup>

(4b) A corporation and a director, officer, employee or person acting on its behalf, except a requisitionist, is not liable in damages or otherwise by reason only of the circulation of a notice or statement or both in compliance with this section. <sup>Where no liability</sup>

**37.** Section 315 of *The Corporations Act, 1953* is repealed and the following substituted therefor: <sup>1953, c. 19, s. 315, re-enacted</sup>

315. Every director, officer or employee of a corporation who makes or assists in making any entry in the minutes of proceedings mentioned in section 311, the documents and registers mentioned in sections 40 and 312 or the books of account or accounting records mentioned in section 314, knowing it to be untrue, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than three months, or both. <sup>Untrue entries</sup>



1953, c. 19,  
s. 317,  
subs. 1,  
amended

**38.** Subsection 1 of section 317 of *The Corporations Act, 1953* is amended by inserting after the word "proceedings" in the first line the words "at meetings of shareholders or members", so that the subsection shall read as follows:

Records to  
be open for  
inspection

- (1) The minutes of proceedings at meetings of shareholders or members mentioned in section 311 and the documents and registers mentioned in sections 40 and 312, during the normal business hours of the corporation, shall, at the place or places where they are kept, be open to inspection by the shareholders or members and creditors of the corporation or their agents or legal representatives, and any of them may make extracts therefrom.

1953, c. 19,  
s. 322,  
amended

**39.** Section 322 of *The Corporations Act, 1953* is amended by adding thereto the following subsection:

Transfer  
of foreign  
corporations

- (3) A corporation incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Lieutenant-Governor to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, apply to the Lieutenant-Governor for letters patent continuing it as if it had been incorporated under this Act, and the Lieutenant-Governor may issue such letters patent on application supported by such material as appears satisfactory and such letters patent may be issued on such terms and subject to such limitations and conditions and contain such provisions as appear to the Lieutenant-Governor to be fit and proper.

1953, c. 19,  
s. 338,  
re-enacted

**40.** Section 338 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

Untrue  
statements

- 338.** Every person who makes or assists in making a statement in any return, certificate, financial statement or other document required by or for the purposes of this Act, knowing it to be untrue, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000, or to imprisonment for a term of not more than three months, or both.

Financial  
statements

Rev. Stat.,  
c. 59

**41.** Notwithstanding sections 359 and 360 of *The Corporations Act, 1953*, the provisions of *The Companies Act* applicable to financial statements shall continue to apply to financial statements for periods ending before the 30th day of April, 1954.

Commence-  
ment

**42.** This Act comes into force on the 30th day of April, 1954.

Short title

**43.** This Act may be cited as *The Corporations Amendment Act, 1954*.

## CHAPTER 15

**An Act to amend The Corporations  
Information Act, 1953**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 8 of *The Corporations Information Act, 1953* <sup>1953, c. 21, s. 8, re-enacted</sup> is repealed and the following substituted therefor:

**8.** This Act comes into force on the 1st day of July, 1954. <sup>Commence-  
ment</sup>

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The Corporations Information* <sup>Short title</sup> *Amendment Act, 1954.*



CHAPTER 16

An Act to amend The County Courts Act

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The County Courts Act* is repealed.

Rev. Stat.,  
c. 75, s. 10,  
repealed
2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
3. This Act may be cited as *The County Courts Amendment Act, 1954*.

Short title





## CHAPTER 17

## An Act to amend The Credit Unions Act, 1953

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of section 1 of *The Credit Unions Act, 1953* 1953, c. 26,  
s. 1, cl. *e*,  
re-enacted is repealed and the following substituted therefor:

(*e*) “officer” includes treasurer, secretary, manager, assistant treasurer, assistant secretary and assistant manager.

(2) The said section 1 is amended by adding thereto the following clause: 1953, c. 26,  
s. 1,  
amended

(*k*) “supervisor” means supervisor of credit unions appointed for the purposes of this Act.

2. Section 9 of *The Credit Unions Act, 1953* is amended 1953, c. 26,  
s. 9,  
amended by striking out the word “registrar” where it occurs in the third line of subsection 1 and in the first line of subsection 2, respectively, and inserting in lieu thereof the word “supervisor”, so that the section shall read as follows:

9.—(1) Every credit union shall have a registered office Registered  
office of  
credit union to which all communications and notices shall be sent, and the credit union shall send to the supervisor written notice in duplicate of the location of its registered office and of every change of the location.

(2) The supervisor shall transmit one copy of such notice idem to the Provincial Secretary.

3. Section 10 of *The Credit Unions Act, 1953* is repealed 1953, c. 26,  
s. 10,  
re-enacted and the following substituted therefor:

10. A corporation that is subject to this Act may, by Power to  
hold real  
estate by-law, provide for the holding, purchasing or leasing in its own name of such real estate as is necessary for its own use and benefit for the transaction of its

business and may sell, mortgage or dispose of the same; and, with the written consent of the Superintendent, may lease, acquire or construct a building larger than is required for the transaction of its business and lease any part of the building not so required.

1953, c. 26,  
s. 16,  
amended

**4.** Section 16 of *The Credit Unions Act, 1953* is amended by striking out the word "registrar" where it occurs in the second and fifth lines of subsection 1 and in the first line of subsection 2, respectively, and inserting in lieu thereof the word "supervisor", so that the section shall read as follows:

Approval  
of by-laws

16.—(1) No by-law or amendment of a by-law is valid until it has been approved by the supervisor, for which purpose two copies thereof, signed by three members and the secretary or by the president and the secretary, shall be sent to the supervisor.

Idem

(2) The supervisor, on being satisfied that a by-law or amendment of a by-law has been duly passed by the credit union, may approve it.

1953, c. 26,  
s. 20,  
amended

**5.** Section 20 of *The Credit Unions Act, 1953* is amended by adding thereto the following subsection:

Additional  
shares

(2) After the first application for a share or shares by a member, payment on account of additional shares shall be deemed an application for such additional shares and receipt of the payments by the credit union shall be deemed to be an allotment of such shares.

1953, c. 26,  
amended

**6.** *The Credit Unions Act, 1953* is amended by adding thereto the following sections:

Shares  
in trust

20a. A member, in addition to holding shares in his own name, may subscribe for and hold shares and make deposits in trust for a named beneficiary and such beneficiary without payment of any entrance fee shall be deemed to be a member of the credit union only for the purpose of qualifying for life insurance under a group policy of insurance purchased by the credit union on the lives of its members and shall not be entitled to notice of meetings or to vote at meetings.

Joint  
accounts

20b. Two or more members may hold their shares and deposits in a joint account, and in the absence of written notice to the contrary, payment by the

credit union to any of such members or to the survivor or any of the survivors of such members of any money standing to the credit of the joint share or deposit account shall discharge the credit union from any further liability for such payment.

**7.** Section 23 of *The Credit Unions Act, 1953* is repealed<sup>1953, c. 26, s. 23, re-enacted</sup> and the following substituted therefor:

23. Subject to the by-laws, a person under the age of<sup>Members under 21</sup> twenty-one years may be a member of a credit union, and every such person may enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the by-laws, but shall not be a trustee, manager, treasurer or a member of the board of directors, credit committee or supervisory committee of the credit union and shall not have the right to borrow any amount in excess of his savings in the credit union except upon the joint and several promissory note signed by him and by a person over twenty-one years of age.

**8.** Section 26 of *The Credit Unions Act, 1953* is amended by<sup>1953, c. 26, s. 26, amended</sup> adding thereto the following subsections:

- (3) Entrance fees and fines, if any, shall be added to the<sup>Entrance fees and fines</sup> guarantee fund but an amount not exceeding \$70 may, in the discretion of the board of directors, be withdrawn therefrom to cover organization expenses incurred during the first year of operations.
- (4) Subject to the approval of the board of directors<sup>Uncollectable loans</sup> and the supervisory committee, the outstanding principal balance of any uncollectable loan, after crediting to such principal any moneys to the credit of the member on shares and deposits, shall be charged to the guarantee fund and no charge shall be made to the guarantee fund for fines or interest on any such loan from the date of the last interest payment made by the borrower nor shall the amount standing to the credit of the member on shares or deposits be applied towards payment of fines or interest.

**9.**—(1) Subsection 1 of section 27 of *The Credit Unions Act, 1953* is amended by adding at the commencement thereof<sup>1953, c. 26, s. 27, subs. 1 amended</sup> the words “Subject to clauses *c* and *d* of section 4”, so that the subsection shall read as follows:

Advances  
to members  
only

- (1) Subject to clauses *c* and *d* of section 4, no credit union shall advance money by discount, loan or otherwise to, or accept deposits from, persons other than its members.

1953, c. 26,  
s. 27, subs. 3,  
re-enacted

- (2) Subsection 3 of the said section 27 is repealed and the following substituted therefor:

Loans to  
officers

- (3) No officer or member of a committee or of the board of directors of a credit union shall borrow or have on loan an amount in excess of the aggregate of his fully paid-up shares and deposits unless such loan is approved by the directors and the supervisory committee in addition to the approval required by the credit committee.

1953, c. 26,  
s. 28,  
amended

- 10.** Section 28 of *The Credit Unions Act, 1953* is amended by adding thereto the following subsections:

Election  
in rotation

- (3) The by-laws may provide for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than three years.

Quorum

- (4) A majority of the board of directors constitutes a quorum.

Vacancies

- (5) So long as there is a quorum of directors in office, any vacancy occurring on the board of directors may be filled until the next annual meeting by the directors then in office.

Idem

- (6) When a quorum of directors is not in office, the director or directors then in office shall forthwith call a general meeting of the members to fill the vacancies, and in default or if there are no directors then in office, the meeting may be called by any member.

Idem

- (7) When a member of the board of directors fails to attend three consecutive meetings of the board without, in the opinion of the board, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the board, his position on the board may be declared vacant by the remaining members of the board and the vacancy shall be filled as provided in this section.

1953, c. 26,  
s. 29,  
subss. 2-4,  
re-enacted

- 11.** Subsections 2, 3 and 4 of section 29 of *The Credit Unions Act, 1953* are repealed and the following substituted therefor:

- (2) The by-laws may provide for the election and retirement of members of the credit committee in rotation, but in that case no member of the credit committee shall be elected for a term of more than three years. Election in rotation
- (3) A majority of the credit committee constitutes a quorum. Quorum
- (4) Any vacancy occurring in the credit committee may be filled by the board of directors until the next annual meeting. Vacancies
- (5) When a member of the credit committee fails to attend three consecutive meetings of the committee without, in the opinion of the board of directors, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the board of directors and the vacancy shall be filled as provided in this section. Idem
- (6) It is the duty of the credit committee to consider all applications and approve all loans to members. Duties
- (7) The credit committee may upon such terms as it may determine, Delegation of powers
  - (a) authorize the treasurer or manager, without obtaining its approval, to make loans in amounts not exceeding the shares and deposits of the borrower less any debts owing by him to the credit union; or
  - (b) authorize the treasurer, manager or other person, without obtaining its approval, to make loans in amounts not exceeding \$25 for periods not exceeding one month.
- (8) The credit committee shall not approve any loan that is greater in amount than the maximum amount that may be loaned to a member as set out in the by-laws of the credit union. Maximum loans

**12.** Section 30 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: 1953, c. 26, s. 30, re-enacted

- 30.—(1) Every credit union shall at each annual meeting elect from its members a supervisory committee of at least three members who are not members of the board of directors or credit committee or officers of



the credit union and who shall hold office for such term as the by-laws prescribe and until their successors are elected.

Election in  
rotation

- (2) The by-laws may provide for the election and retirement of members of the supervisory committee in rotation, but in that case no member shall be elected for a term of more than three years.

Quorum

- (3) Two members of the supervisory committee constitute a quorum.

Vacancies

- (4) So long as there is a quorum of members of the supervisory committee in office, any vacancy occurring in the supervisory committee may be filled until the next annual meeting by the members of the supervisory committee then in office.

Idem

- (5) When a quorum of members of the supervisory committee is not in office, the directors may fill the vacancies until the next annual meeting or may forthwith call a general meeting of the members to fill the vacancies.

Idem

- (6) When a member of the supervisory committee fails to attend three consecutive meetings of the committee without, in the opinion of the board of directors, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the remaining members thereof and the vacancy shall be filled as provided in this section.

Duties

- (7) The supervisory committee shall, from time to time, examine and audit the books of the credit union and the deposit books of the members and shall check the cash, investments and securities of the credit union.

Misappropriation of  
funds, etc.

- (8) In the event of any of the funds, securities or other property of the credit union being misappropriated or misdirected or in the event of any of the by-laws of the credit union being contravened by the board of directors or by the credit committee or by any member thereof or by any officer or employee engaged by the board of directors, the supervisory committee shall forthwith advise the registrar in writing and shall call a general meeting of the credit union and pending the holding of the meeting the committee may suspend any member of the board of directors or credit committee or any officer or

employee

employee until the general meeting and may appoint a member of the credit union to perform the duties of any person so suspended.

- (9) The supervisory committee shall report to the meet-<sup>Idem</sup>ing all the circumstances of such misappropriation or misdirection of funds, securities or other property and the reasons for such suspension, and the members of the credit union may by a vote of two-thirds of the members present at the meeting or at any adjournment thereof, dismiss from office any person so suspended and when the members of the credit union do not so vote to dismiss from office any person so suspended, the person shall be reinstated forthwith.
- (10) The supervisory committee shall submit a written<sup>Annual report</sup> report to each annual general meeting.
- (11) A credit union may, by by-law, provide for the<sup>Auditors</sup> appointment of an auditor or auditors in lieu of or in addition to the supervisory committee and may delegate to such auditor or auditors the whole or such part of the duties of the supervisory committee as the by-law provides.
- (12) The members of the credit union may fix the re-<sup>Remuneration of auditors</sup>muneration of the auditor or auditors or may delegate to the board of directors authority to fix such remuneration.
- (13) If a majority of the supervisory committee suspects<sup>Special audit</sup> that any of the funds, securities or other property of the credit union have been misappropriated or misdirected, the supervisory committee may, with the written approval of the registrar, appoint an auditor or auditors to assist it in ascertaining whether any of the funds, securities or other property of the credit union have in fact been misappropriated or misdirected and the remuneration of any auditor or auditors so appointed shall be paid by the credit union.
- (14) The supervisory committee may appoint such per-<sup>Clerks</sup>sons as it deems necessary to assist it in performing its duties, and the remuneration paid to such persons shall be determined by the board of directors.

**13.** Subsection 1 of section 33 of *The Credit Unions Act*,<sup>1953, c. 26, s. 33, subs. 1,</sup> 1953 is amended by striking out the words "that are not<sup>amended</sup> required for the purposes of section 4 or for the guarantee

fund shall" in the first and second lines and inserting in lieu thereof the word "may", so that the subsection, exclusive of the clauses, shall read as follows:

Investment  
of funds

(1) The funds of a credit union may be invested,

. . . . .

1953, c. 26,  
ss. 34, 35,  
re-enacted

**14.** Sections 34 and 35 of *The Credit Unions Act, 1953* are repealed and the following substituted therefor:

Borrowing  
money

34. The board of directors of a credit union may pass resolutions for borrowing money, but at no time shall the total amount borrowed exceed 50 per cent of its capital, deposits and surplus.

Saving

35. Nothing in section 34 limits the amount that may be received on deposit from members.

1953, c. 26,  
s. 39, subs. 1,  
amended

**15.**—(1) Subsection 1 of section 39 of *The Credit Unions Act, 1953* is amended by inserting after the word "amount" in the fourth line the words "together with any insurance moneys that may be received by the credit union under any policy of life insurance on such member", so that the subsection shall read as follows:

Disposition  
of moneys  
of intestate  
members

(1) If a member of a credit union having on deposit and as payment for shares an amount not exceeding \$500 dies intestate without making a nomination as provided in section 38, the amount, together with any insurance moneys that may be received by the credit union under any policy of life insurance on such member, may, without letters of administration being taken out, be paid to the person who appears to the directors to be entitled thereto under *The Devolution of Estates Act* upon receiving an affidavit of the death and intestacy and that the person claiming is so entitled.

Rev. Stat.,  
c. 103

1953, c. 26,  
s. 39, subs. 2,  
amended

(2) Subsection 2 of the said section 39 is amended by inserting after the word "amount" in the second line the words "and such insurance moneys", so that the subsection shall read as follows:

Payment by  
mistake,  
when valid

(2) When the directors, after the death of a member, have paid such amount and such insurance moneys to the person who at the time appeared to be entitled thereto under the belief that the member died intestate, without having appointed any nominee, the payment is valid and effectual with respect to any demands from any other person as next-of-kin or

as the lawful representative of the deceased against the credit union, but the next-of-kin or representative is entitled to recover the amount of such payment from the person who received it.

(3) The said section 39 is amended by adding thereto the following subsection: <sup>1953, c. 26, s. 39, amended</sup>

- (3) If a member of a credit union who has on deposit and who has paid for shares in trust for a named beneficiary an amount not exceeding \$500 dies, the amount may be paid to the executor or administrator of his estate in trust for the beneficiary, or, if no executor or administrator has been appointed, may be paid to the beneficiary. <sup>Payment to named beneficiary</sup>

**16.** Section 45 of *The Credit Unions Act, 1953* is amended by striking out the words "on or before the 1st day of March in each year" in the first and second lines and inserting in lieu thereof the words "not later than two months after the end of its fiscal year" and by striking out the words "in duplicate" in the second line, so that the section shall read as follows: <sup>1953, c. 26 s. 45, amended</sup>

45. A credit union shall not later than two months after the end of its fiscal year deliver to the registrar in the form prescribed by him, an audited statement of its receipts and expenditures, assets and liabilities, and such statement shall also contain such other information as he may require. <sup>Annual statements</sup>

**17.** Section 47 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor: <sup>1953, c. 26, s. 47, re-enacted</sup>

- 47.—(1) Where it appears to the Superintendent from an examination of the condition and affairs of a credit union that any of the funds, securities or other property of the credit union may have been misappropriated or misdirected or that the records do not show the true financial position of the credit union, he may appoint an auditor or auditors to make such examination and audit of the affairs of the credit union as he considers necessary and the remuneration of any auditor or auditors so appointed shall be paid by the credit union. <sup>Examination by Superintendent</sup>
- (2) Where it appears to the Superintendent from an examination of the condition and affairs of a credit union that the assets are shown on the statement mentioned in section 45 at an amount greater than the true value, he may require the credit union to <sup>Idem</sup>



set aside out of earnings such additional reserves as he considers necessary, and where in his opinion the value of the assets of the credit union is less than its liabilities, including the share accounts of its members, the Superintendent may prohibit the credit union from taking further deposits or payments on shares from members or from making any payments to its members, or may limit such payments for such period as he deems necessary to protect the interests of the members.

Suspension  
of business

- (3) The Superintendent may order a credit union to discontinue doing business for such time as he may determine if, after an inspection thereof, he is satisfied that the continuance in business of such credit union is not in the public interest.

1953, c. 26,  
s. 49, subs. 5,  
amended

**18.** Subsection 5 of section 49 of *The Credit Unions Act, 1953* is amended by striking out the word "registrar" in the third line and inserting in lieu thereof the word "supervisor", so that the subsection shall read as follows:

By-laws of  
league

- (5) Any league incorporated under this section may pass such by-laws as it deems advisable, but no by-law shall become operative until approved by the supervisor.

1953, c. 26,  
s. 55, cl. 6,  
re-enacted

**19.** Clause *b* of section 55 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor:

- (*b*) providing and prescribing the fees payable for incorporation of credit unions and credit union leagues, for amalgamation of credit unions, for changing the name of credit unions, for filing any memorandum of association, return or other document required or permitted to be filed under this Act, for searches, and for certified copies of certificates of incorporation and other documents.

Short title

**20.** This Act may be cited as *The Credit Unions Amendment Act, 1954*.



## CHAPTER 18

**An Act to amend The Crown Attorneys Act**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Crown Attorneys Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 81,  
amended

- 6a.—(1) A Crown attorney and the corporation of the county for which he is appointed may enter into an agreement for the payment to him of a fixed annual gross sum in lieu of all fees receivable by him from his office as Crown attorney and as clerk of the peace that are chargeable by him to the county and that are not repayable to the county by the Province of Ontario. Agreement  
for fixed  
sum in lieu  
of fees
- (2) A full-time Crown attorney on salary shall not enter into an agreement under subsection 1 without the approval of the Attorney-General thereto. Approval of  
Attorney-  
General
- (3) Either party to an agreement under subsection 1 may terminate it on the 31st day of December in any year by giving the other party one month's notice in writing of the intention so to do. Termination
- (4) If the offices of Crown attorney and clerk of the peace in the County of York are held by different persons, this section applies *mutatis mutandis* to each of them. York  
County

**2.** This Act may be cited as *The Crown Attorneys Amendment Act, 1954*. Short title



CHAPTER 19

An Act to amend The Crown Timber Act, 1952

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 23 of *The Crown Timber Act, 1952* is amended by striking out the word “and” in the sixth line and inserting in lieu thereof the words “together with a statement of the measures to be taken by him from time to time during the term of his licence to promote and maintain the productivity of the areas cut over in accordance with such annual plan; and”, so that the clause shall read as follows:

- (a) at least sixty days before cutting operations commence in each year, but not later than the 15th day of June, an annual plan for the cutting operations to be conducted by him during the twelve-month period commencing on the 1st day of April in that year together with a statement of the measures to be taken by him from time to time during the term of his licence to promote and maintain the productivity of the areas cut over in accordance with such annual plan; and

. . . . .

(2) The said section 23 is amended by adding thereto the following subsection:

- (4) The Minister may, in addition to the measures to be taken by a licensee as set forth in the statement referred to in clause *a* of subsection 1, require at any time such further or other measures to be taken by the licensee as he considers advisable to promote and maintain the productivity of the areas cut over in accordance with the annual plan.

2. This Act may be cited as *The Crown Timber Amendment Act, 1954*.



## CHAPTER 20

**The Department of Education Act, 1954**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "board" means public school board, separate school board, continuation school board, high school board or board of education; R.S.O. 1950, c. 94, s. 1, cl. (a), *amended*.
- (b) "Department" means Department of Education; R.S.O. 1950, c. 94, s. 1, cl. (b).
- (c) "elementary school" means public school or separate school;
- (d) "high school" includes collegiate institute; *New*.
- (e) "Minister" means Minister of Education; R.S.O. 1950, c. 94, s. 1, cl. (c).
- (f) "occasional teacher" means a teacher employed to teach on a daily basis as a substitute for a permanent, probationary or temporary teacher;
- (g) "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher;
- (h) "probationary teacher" means a teacher employed for a probationary period,
  - (i) of not more than two years for a teacher with less than three years experience before the commencement of the contract, or

(ii)



- (ii) of not more than one year for a teacher with three or more years experience before the commencement of the contract,

leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher; 1952, c. 18, s. 1, *part*.

- (i) "regulations" means regulations made under this Act; 1952, c. 18, s. 1, *part, amended*.
- (j) "secondary school" means continuation school, high school or vocational school; *New*.
- (k) "temporary teacher" means a teacher employed to teach on a monthly basis for a period not exceeding one year. 1952, c. 18, s. 1, *part*.

Administra-  
tion

**2.** The Minister is responsible for the administration of this Act and the regulations and of such other Acts and the regulations thereunder as may be assigned to him by the Lieutenant-Governor in Council. R.S.O. 1950, c. 94, s. 3 (1), *amended*.

Department  
of Educa-  
tion

**3.** There shall continue to be a department of the public service known as the Department of Education and the Minister shall preside over and have charge of the Department. R.S.O. 1950, c. 94, s. 2 (1), *amended*.

Annual  
report

**4.—(1)** The Minister shall, after the close of the calendar year, file with the Provincial Secretary an annual report upon the affairs of the Department.

Tabling

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. R.S.O. 1950, c. 94, s. 6.

Credits  
for atten-  
dance in  
special cases

**5.** For the purpose of calculating legislative grants, the Minister may add to the actual aggregate attendance of a school the number of days' attendance lost by pupils,

- (a) who left school to enlist in Her Majesty's Forces or to become employed in the production of food or other essential war materials, and whose absence from school was in accordance with the regulations; or
- (b) who were absent from school on days regarded as holy days by the church or religious denomination to which they belong; or

(c)

- (c) who were absent from school because of the closing of one or more classrooms because of fire, flood or the breakdown of the school heating plant or a similar emergency which, in the opinion of the Minister, was unavoidable; or
- (d) who were absent from school in the month of June when their regular classroom work was discontinued because of the holding of examinations which they were not required to write. R.S.O. 1950, c. 94, s. 11, *amended*.

**6.—**(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may order the closing of a school or any class thereof for a specified period.

(2) Where a school or class is closed for a specified period under subsection 1, the school or class shall, for the purpose of calculating legislative grants, the cost of education of county pupils, and the fees, if any, of other pupils, be deemed to have been open during the period with a perfect aggregate daily attendance. R.S.O. 1950, c. 94, s. 10, *amended*.

**7.** There shall be payable out of the Consolidated Revenue Fund annually the sum of \$6,000 to be awarded by the Minister in accordance with the regulations as scholarships to residents of Ontario for the purpose of enabling them to pursue courses of study outside Ontario. R.S.O. 1950, c. 94, s. 13 (1), *amended*.

**8.—**(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures issued by an elementary school board in Ontario or by a municipality in a territorial district for any school purpose for which the board or municipality is authorized to issue debentures. R.S.O. 1950, c. 94, s. 8 (1), *amended*.

(2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council, and every guarantee given or purporting to be given under this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever. R.S.O. 1950, c. 94, s. 8 (2).

(3) Any debenture issued by a school board or municipality, payment of which is guaranteed by the Province under this section, shall be valid and binding upon the school board or municipality by which it is issued, and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed shall not be open to question upon any ground whatsoever. R.S.O. 1950, c. 94, s. 8 (3), *amended*.

Fixing rate of interest on debentures, etc., held by Treasurer

9. Notwithstanding anything in any Act fixing the rate of interest to be paid or credited to any school board by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a school board, the rate at which interest shall be allowed to, paid by or credited to a school board upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant-Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. R.S.O. 1950, c. 94, s. 9.

Courses of study, reference books, etc.

10.—(1) The Minister shall define the courses of study in the prescribed subjects of Grade 13.

Idem

(2) The Minister may,

- (a) recommend for the guidance of boards and teachers the programme in kindergarten;
- (b) define the courses of study, recommend courses of study for the guidance of boards and teachers, or permit boards and teachers to define courses of study to be used with the Minister's approval, in the prescribed subjects for Grades 1 to 12 inclusive;
- (c) define courses of study and subjects to be taught in teachers' colleges and provincial technical and polytechnical institutes;
- (d) recommend reference books and library books for use by pupils, teachers and teachers-in-training;
- (e) approve text-books for use in Grade 13, teachers' colleges, and provincial technical and polytechnical institutes;
- (f) determine the number of terms and the dates upon which each term begins and ends in respect of teachers' colleges, provincial technical and polytechnical institutes, and schools for the deaf and blind.

Application of Rev. Stat., c. 337

(3) An act of the Minister under this section is not a regulation within the meaning of *The Regulations Act*. *New*.

**11.—(1)** The Minister may,Powers of  
Minister

- (a) pay out of any appropriation for teachers' colleges or for summer and winter courses for the training and instruction of teachers the travelling and other expenses and such per diem allowance as he may fix for living expenses of students attending such schools whenever he deems such payment necessary or desirable; R.S.O. 1950, c. 94, s. 5, cl. (c), *amended*.
- (b) accept in lieu of any requirement prescribed for a teacher, head of a department, director, supervisor, supervisory officer or inspector, or for a candidate for a certificate or for admission to a school, such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto; R.S.O. 1950, c. 94, s. 5, cl. (d), *amended*.
- (c) grant a temporary or interim certificate of qualification as a teacher to a person who, although not a British subject, is otherwise qualified and,
  - (i) has applied to become a British subject and whose application is pending, or
  - (ii) has filed a declaration of intention to become a Canadian citizen in accordance with the *Canadian Citizenship Act* (Canada); R.S.O. 1952, c. 33, *part, amended*.
- (d) grant a letter of permission to a board authorizing the board to employ an unqualified person as a teacher if the Minister is satisfied that no qualified person is available, but a letter of permission shall be effective only for the period, not exceeding one year, that the Minister specifies therein; *New*.
- (e) suspend or cancel any certificate or diploma granted under this Act or the regulations; R.S.O. 1950, c. 94, s. 5, cl. (i), *amended*.
- (f) appoint as a commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, and may confer upon such commission all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*; R.S.O. 1950, c. 94, s. 5, cl. (j), *Rev. Stat., c. 308*.
- (g) submit a case on any question arising under *The Schools Administration Act, 1954, The Public Schools Act, The Separate Schools Act, The Secondary Schools and Boards of Education Act, 1954* or this Act to a judge of the Supreme Court for his opinion and decision; *1954, c. 86; Rev. Stat., cc. 316, 356; 1954, c. 87*.

decision



decision or, by leave of a judge of the Supreme Court, to the Court of Appeal for its opinion and decision; R.S.O. 1950, c. 94, s. 5, cl. (g), *amended*.

- (h) determine all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and all appeals made to him from a decision of a principal, inspector or other school officer;
- (i) apportion and pay all sums received for educational purposes from the Government of Canada or any source other than an appropriation by the Legislature, in accordance with the terms of the grant, if any, and otherwise in any manner he may deem fit; R.S.O. 1950, c. 94, s. 5, cls. (h, a).
- (j) require employees of school boards to submit to medical examinations; 1951, c. 18, s. 1, *amended*.
- (k) make use of any elementary or secondary school for the purposes of observation and practice teaching by teachers-in-training in any teachers' college or in the college of education established under section 16; R.S.O. 1950, c. 94, s. 5, cl. (l), *amended*.
- (l) provide for courses of training for inspectors. R.S.O. 1950, c. 316, s. 122 (1), *part*.

Termination  
of contract  
where wel-  
fare of  
school  
involved  
1954, c. 86

(2) Notwithstanding Part III of *The Schools Administration Act, 1954* or any other Act and notwithstanding anything in the contract between the board and the teacher, where a permanent or probationary teacher is employed by a board and a matter arises which in the opinion of the Minister adversely affects the welfare of the school in which the teacher is employed,

- (a) the board or the teacher may, with the consent of the Minister, give the other party thirty days written notice of termination, and the contract shall become terminated at the expiration of thirty days from the date the notice is given; or
- (b) the board may, with the consent of the Minister, give the teacher written notice of immediate termination together with one-tenth of the teacher's yearly salary in addition to the amount to which he would otherwise be entitled, and the contract shall thereupon become terminated. 1953, c. 27, s. 3.

Regulations,  
general

**12.**—(1) Subject to the provisions of any statute in that behalf and to the approval of the Lieutenant-Governor in

Council,



Council, the Minister may make regulations with respect to schools or classes established under *The Public Schools Act, The Separate Schools Act, The Schools Administration Act, 1954, The Secondary Schools and Boards of Education Act, 1954* or this Act, or any predecessor of any of such Acts, and with respect to all other schools supported in whole or in part by public money,

Rev. Stat.,  
cc. 316, 356;  
1954, cc. 86,  
87

- (a) for the establishment, organization, administration and government thereof;
- (b) governing the admission of pupils;
- (c) respecting the examination and inspection of auxiliary classes, the dismissal of pupils therefrom, and the term of residence of pupils therein;
- (d) requiring boards to purchase books for the use of pupils;
- (e) prescribing the accommodation and equipment of buildings and the arrangement of premises;
- (f) for the establishment and awarding of bursaries and types, classes and subclasses thereof, prescribing the terms and conditions thereof and the persons eligible therefor, for fixing the value or maximum value of any bursary or type, class or subclass thereof, and for authorizing the Minister to determine, subject to the maximum value, the amount to be awarded to an applicant where a maximum value has been prescribed;
- (g) for the establishment and regulation of cadet corps;
- (h) governing the granting of permanent, temporary, interim, special and other certificates of qualification;
- (i) authorizing the Minister to designate a high school as a collegiate institute and to redesignate a collegiate institute as a high school, and prescribing the conditions under which he may do so;
- (j) prescribing the form of contract which shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract;
- (k) governing the establishment and maintenance of public, high and vocational schools on lands held

by the Crown in right of Canada or Ontario or an agency thereof, or on other lands which are exempt from taxation for school purposes, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools;

- (l) governing the attendance at elementary and secondary schools of pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands which are exempt from taxation for school purposes, and governing the payment of the cost of education of such pupils;
- (m) providing for assistance in the payment of the cost of education and transportation costs of elementary and secondary school pupils residing in the territorial districts or on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands which are exempt from taxation for school purposes;
- (n) fixing the method of calculating the cost of education of elementary and secondary school pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands which are exempt from taxation for school purposes, and authorizing boards,
  - (i) to charge those pupils a fee in accordance with that method, or
  - (ii) instead of charging those pupils a fee, to enter into an agreement with the Crown, Crown agency or other owner of the lands for the payment of an amount in lieu of the fee;
- (o) providing for the establishment of supervising examination boards and for the appointment by the Minister of the members thereof, prescribing the duties thereof and the remuneration, including allowances for travelling and other expenses, to be paid to the members thereof;
- (p) governing the establishment and conduct of examinations and the settling of the results thereof, and prescribing the fees to be paid by candidates thereat;
- (q) prescribing the fees to be paid to presiding officers and examiners in connection with examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid;

- (r) for granting diplomas and certificates of standing;
- (s) prescribing the subjects that shall be taught, and the subjects that may be taught, in Grades 1 to 13 inclusive;
- (t) prescribing subjects leading to diplomas and certificates of standing;
- (u) providing for and governing the exchange of teachers between Ontario and other parts of Canada and between Ontario and other jurisdictions;
- (v) for the establishment and regulation of school gardens;
- (w) for the establishment and regulation of school libraries;
- (x) subject to the approval of the Minister of Health, for the medical and dental inspection of pupils in elementary schools where provision for such inspection was inaugurated by the boards of such schools before the 31st day of July, 1924, and in secondary schools where such provision was inaugurated by the boards of such schools before the 31st day of December, 1941;
- (y) respecting the use of schools for purposes of observation and practice teaching by teachers-in-training;
- (z) prescribing the powers, duties and qualifications, and governing the appointment of, teachers, supervisors, supervisory officers, heads of departments, principals, inspectors, superintendents, bursars, matrons, directors, school attendance officers and other officials;
- (za) prescribing the duties of pupils;
- (zb) prescribing the qualifications and experience which will be recognized for the purpose of,
  - (i) qualifying persons to teach,
  - (ii) admitting persons to schools, and
  - (iii) permitting persons to write examinations;
- (zc) providing for assistance in the payment of the cost of education of children under eighteen years of age, whose mental capacity is incapable of development

beyond

beyond that of a child of normal mentality at eight years of age, in classes conducted by parents' groups which are affiliated with the Ontario Association for Retarded Children;

- (zd) prescribing the powers and duties of boards and township councils with respect to the appointment and duties of school attendance officers, providing for the issuing of home permits and employment certificates, and providing for the giving of notices and the making of returns in connection with school attendance;
- (ze) prescribing forms to be used for the purposes of this Act and the regulations;
- (zf) approving the text-books for use in Grades 1 to 12 inclusive;
- (zg) governing the transportation of pupils to and from elementary and secondary schools;
- (zh) providing for assistance in the payment of transportation costs of persons residing in the territorial districts who are attending universities or other institutions of higher learning;
- (zi) establishing the number of scholarships and prescribing the terms and conditions under which they may be awarded and the courses of study to be pursued, in connection with the scholarships provided for under section 7;
- (zj) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 94, s. 4 (1), *part*, s. 13 (2); 1952, c. 18, s. 2 (1); 1953, c. 27, s. 2 (2); R.S.O. 1950, c. 6, s. 20; R.S.O. 1950, c. 29, s. 12; R.S.O. 1950, c. 347, s. 20; *amended*.

Regulations,  
grants

(2) Subject to the provisions of any statute in that behalf and to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,

- (a) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for educational purposes;

(b)

- (b) prescribing the conditions governing the payment of legislative grants;
- (c) prescribing definitions of "approved cost" and "cost of operating" for the purpose of legislative grants to boards, and requiring that "approved cost" be subject to the approval of the Minister. R.S.O. 1950, c. 94, s. 4 (1), cls. (zb-zd), *amended*.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations with respect to adult education, recreation, camping and physical education, Regulations, community programmes, etc.

- (a) providing for programmes therefor;
- (b) governing the granting of municipal recreation directors' interim and permanent certificates, and governing the renewal of municipal recreation directors' interim certificates;
- (c) authorizing,
  - (i) municipal councils to appoint recreation committees with the approval of the Minister, or authorizing two or more municipal councils of municipalities having a combined population of under 25,000 to appoint joint recreation committees with the approval of the Minister,
  - (ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,
  - (iii) joint recreation committees, or recreation committees in municipalities having a population of not less than 25,000, to appoint area recreation committees and area recreation directors, and
  - (iv) two or more municipalities to enter into agreements,

for the purpose of programmes of recreation;

- (d) prescribing the composition of recreation committees, joint recreation committees and area recreation committees, and fixing the number or maximum number of members thereof, for the purpose of programmes of recreation;

(e)



- (e) prescribing definitions of joint recreation programme, joint recreation committee, municipal recreation programme, municipal recreation services, municipal recreation director, assistant municipal recreation director, recreation programme, recreation committee;
- (f) prescribing a definition of "approved maintenance and operating costs" for the purpose of legislative grants for programmes of recreation, and requiring that "approved maintenance and operating costs" be subject to the approval of the Minister;
- (g) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for,
  - (i) programmes of adult education, recreation, camping and physical education,
  - (ii) leadership training camps, and
  - (iii) the maintenance of historical, literary and scientific institutions;
- (h) prescribing the conditions governing the payment of grants for,
  - (i) programmes of adult education,
  - (ii) programmes of recreation, camping or physical education, and providing for the approval of the Minister in any condition, or
  - (iii) the maintenance of historical, literary and scientific institutions;
- (i) authorizing the Minister to determine the number of assistants and area community programmes in respect of which grants may be paid for programmes of recreation;
- (j) authorizing the payment, with the approval of the Minister, of special grants for programmes of recreation, and fixing the amounts thereof. R.S.O. 1950, c. 94, s. 4 (2); 1953, c. 27, s. 2 (3), *amended*.

Interpre-  
tation

(4) In subsection 3, "physical education" includes recreation for crippled persons under the age of nineteen years. R.S.O. 1950, c. 94, s. 4 (3).

**13.—**(1) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Labour of Canada, respecting vocational training as contemplated in the *Vocational Training Co-ordination Act* (Canada). Vocational training agreements R.S.C. 1952, c. 286

(2) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister charged with the administration of the *Indian Act* (Canada), for the admission of pupils, other than Indians as defined in that Act, to schools for Indians operated under that Act. *New.* Pupils at Indian schools R.S.C. 1952, c. 149

**14.—**(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may establish, name, maintain, conduct and govern schools for technical training in one or more branches of industry. *R.S.O. 1950, c. 413, s. 17 (1, 4), amended.* Establishment of technical institutes

(2) For the purpose of subsection 1, the Minister may enter into an agreement with any organization representing one or more branches of industry. Agreements

(3) A school providing instruction in one branch of industry shall be known as a provincial technical institute and in more than one branch of industry as a provincial polytechnical institute. *R.S.O. 1950, c. 413, s. 17 (2, 3).* Naming of institutes

(4) The Minister shall be assisted in the conduct of a provincial technical institute by an institute board and the institute board shall be assisted by an advisory committee. *R.S.O. 1950, c. 413, s. 18 (1), amended.* Conduct of technical institutes;

(5) The Minister shall be assisted in the conduct of a provincial polytechnical institute by an institute board and the institute board shall be assisted by an advisory committee for each branch of industry in which training is given at the institute. *R.S.O. 1950, c. 413, s. 19 (1), amended.* polytechnical institutes

(6) The cost of the establishment, maintenance and conduct of a provincial technical or polytechnical institute shall be payable out of moneys appropriated by the Legislature or received from Canada for the purposes of technical education, and out of moneys contributed by any organization which has entered into an agreement under subsection 2. *R.S.O. 1950, c. 413, s. 20.* Cost of establishment and maintenance

(7) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant-Governor in Council, may make regulations with respect to such institutes, Regulations

- (a) providing for the composition of institute boards and advisory committees, and for the appointment by the Minister of the members thereof;
- (b) prescribing the duties and powers of institute boards and advisory committees;
- (c) respecting the holding of meetings of institute boards and advisory committees, the manner in which the meetings are to be called and conducted and the procedure thereat;
- (d) for the election or appointment of chairmen and secretaries of institute boards or advisory committees, and prescribing their duties;
- (e) for the establishment, with the approval of the Minister, of full-time day courses of study, special and part-time day courses of study, and evening courses of study;
- (f) requiring pupils to pay registration, tuition and laboratory fees and fixing the amount and manner of payment thereof;
- (g) classifying persons who may be admitted from outside Ontario and prescribing the fees payable by members of each class and the manner of payment thereof;
- (h) requiring pupils enrolled in a special or part-time day course of study or an evening course of study to pay tuition fees, and authorizing boards to fix the amount and manner of payment thereof. R.S.O. 1950, c. 413, s. 21, *amended*.

Alternative  
admission  
requirements

(8) The board of a provincial technical or polytechnical institute may accept in lieu of any diploma or other requirement prescribed for admission to a course of study at the institute,

- (a) such evidence of academic standing or course of training as the principal and advisory committee deem equivalent thereto; or
- (b) evidence, satisfactory to the principal and advisory committee, that the applicant for admission is competent to undertake the course of study. R.S.O. 1950, c. 413, s. 22.

**15.**—(1) The Ontario School for the Deaf for the education and instruction of the deaf and partially deaf is hereby continued under the administration of the Minister. Continuation of School for Deaf;

(2) The Ontario School for the Blind for the education and instruction of the blind and partially blind is hereby continued under the administration of the Minister. School for Blind R.S.O. 1950, c. 350, ss. 2, 5 (1) *part, amended.*

(3) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant-Governor in Council, may make regulations with respect to the said schools, Regulations

(a) prescribing the terms and conditions upon which pupils may,

(i) be admitted to, and remain in, a school, and

(ii) be discharged from a school;

(b) authorizing the Minister to appoint a committee to hear and determine any question concerning the eligibility for admission of an applicant;

(c) prescribing the fees, if any, that shall be paid in respect of pupils or any class or classes thereof;

(d) authorizing the payment of part or all of the transportation costs of pupils whose parents or guardians reside in Ontario, and fixing the maximum amount that may be paid;

(e) prescribing the manner in which pupils shall dress while attending a school;

(f) authorizing a superintendent to specify the type and minimum amount of clothing which a parent or guardian shall provide for a pupil;

(g) requiring a parent or guardian to deposit a sum of money with the bursar of a school for the purpose of defraying the personal incidental expenses of a pupil, and fixing the amount of the deposit;

(h) authorizing a superintendent to dismiss a pupil at any time for,

(i) misconduct or failure to make satisfactory progress in a school, or

(ii)

(ii) serious or continued ill-health as certified by the duly qualified medical practitioner of the school;

(i) authorizing the Minister to provide training for teachers in courses leading to a Certificate as Teacher of the Deaf or a Certificate as Teacher of the Blind. R.S.O. 1950, c. 350, ss. 5 *part*, 6, *amended*.

Expenses

(4) The cost of the establishment, maintenance and conduct of the said schools shall be payable out of such moneys as may be appropriated by the Legislature for those purposes. *New*.

College of education

**16.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may,

(a) establish, maintain and conduct a college of education for the professional training and instruction of teachers; or

(b) enter into an agreement with a university providing for the establishment, maintenance and conduct of such college of education by the university, upon such terms and conditions as the Minister and the university may agree upon,

and may enter into arrangements for the use of any elementary or secondary school for practice teaching purposes or for the services of teachers in any secondary school as lecturers or instructors in the college.

Expenses

(2) The cost of the establishment, maintenance and conduct of the college of education shall be payable out of such moneys as may be appropriated by the Legislature for that purpose. R.S.O. 1950, c. 94, s. 12, *amended*.

Teachers' colleges, etc.

**17.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may,

(a) establish, maintain and conduct teachers' colleges and summer and winter courses for the training and instruction of teachers; and

(b) enter into an agreement with any university or college providing for the establishment, maintenance and conduct of a teachers' college by the university or college, upon such terms and conditions as the Minister and the university or college may agree upon.



(2) The cost of the establishment, maintenance and conduct of teachers' colleges and summer and winter courses shall be payable out of such moneys as may be appropriated by the Legislature for those purposes. *New.*

**18.**—(1) The Minister may establish, maintain and conduct camps for leadership training.

(2) The cost of the establishment, maintenance and conduct of leadership training camps shall be payable out of such moneys as may be appropriated by the Legislature for that purpose. R.S.O. 1950, c. 94, s. 15, *amended.*

**19.** All regulations heretofore made under,

(a) *The Adolescent School Attendance Act*;

(b) *The Department of Education Act*;

(c) *The High Schools Act*;

(d) *The School Attendance Act*; and

(e) *The Vocational Education Act*,

Present  
regulations  
continued

Rev. Stat.,  
c. 6

Rev. Stat.,  
c. 94

Rev. Stat.,  
c. 165

Rev. Stat.,  
c. 347

Rev. Stat.,  
c. 413

that are in force on the day this Act comes into force shall, except in so far as they are inconsistent with this Act, be deemed to have been made under this Act.

**20.** The following are repealed:

Repeal

1. *The Department of Education Act.*

Rev. Stat.,  
c. 94

2. *The Department of Education Amendment Act, 1951.*

1951, c. 18

3. *The Department of Education Amendment Act, 1952.*

1952, c. 18

4. *The Department of Education Amendment Act, 1953.*

1953, c. 27

5. *The Schools for the Deaf and Blind Act.*

Rev. Stat.,  
c. 350

**21.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**22.** This Act may be cited as *The Department of Education Act, 1954.*

Short title



## CHAPTER 21

**An Act to amend The Department of  
Municipal Affairs Act**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Department of Municipal Affairs Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 96,  
amended

10a.—(1) The Department may require each municipality in each year to notify every person whose name appears on its collector's roll, in such manner, form and detail as the Department may require, of all payments estimated to be made by the Province in that year to the municipality and its local boards, including in such estimated payments the amounts, computed in such manner as the Department may require, by which the municipality and any of its local boards benefit by reason of payments by the Province to a metropolitan municipality or a county, or a local board thereof, or to a local board which functions in more than one municipality, and the Department may require the inclusion in the notice of such other information relative to provincial grants and municipal tax levies as it deems advisable. Notification  
of provincial  
grants

(2) Where any municipality fails to comply with any requirement under this section, the Treasurer of Ontario may withhold any moneys payable to the municipality or any local board thereof until the municipality has complied with such requirement. Withholding  
of grants

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1954. Commence-  
ment

**3.** This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1954*. Short title



## CHAPTER 22

## An Act to amend The Deserted Wives' and Children's Maintenance Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Deserted Wives' and Children's Maintenance Act* is amended by inserting after the word "magistrate" in the fifth line the words "or a judge of a juvenile court" and by inserting after the word "magistrate" in the ninth line the words "or judge", so that the subsection shall read as follows:

Rev. Stat.,  
c. 102, s. 1,  
subs. 1,  
amended

- (1) Where a wife has been deserted by her husband an information may be laid before a justice of the peace and the justice of the peace may issue a summons against the husband in the form in the Schedule to this Act and if upon the hearing before a magistrate or a judge of a juvenile court, it appears that the husband has deserted his wife without having made adequate provision for her maintenance and the maintenance of his children residing with her and that he is able to maintain them in whole or in part and neglects or refuses so to do, the magistrate or judge may order him to pay such sum at such intervals as may be deemed proper, having regard to all the circumstances and the order may be in the form in the Schedule to this Act.

Order for  
maintenance  
of wife

(2) Subsection 5 of the said section 1 is amended by inserting after the word "magistrate" in the first line the words "or judge", so that the subsection shall read as follows:

Rev. Stat.,  
c. 102, s. 1,  
subs. 5,  
amended

- (5) A finding by the magistrate or judge that adultery has been proved shall not be evidence of the adultery in any other proceedings.

Effect of  
finding of  
adultery

2. *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 102,  
amended



Primary  
jurisdiction  
in juvenile  
and family  
court

6a. Where there is a juvenile and family court with jurisdiction, proceedings under this Act shall be heard in that court.

Short title

**3.** This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1954*.

## CHAPTER 23

## An Act to amend The Disabled Persons' Allowances Act, 1952

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Disabled Persons' Allowances Act, 1952* is amended by striking out the words "who is receiving compensation under *The Workmen's Compensation Act*, or" in the fourth and fifth lines, by inserting after the word "*Act*" in the sixth line the figures "1952" and by striking out the words "or who is receiving a pension, allowance or other benefit from the Government of Canada in respect of war service" in the eighth, ninth and tenth lines, so that the clause shall read as follows:

(*c*) "disabled person" means a person who is permanently and totally disabled by reason of physical or mental disability, but does not include a person who is receiving a benefit under *The Mothers' Allowances Act, 1952*, or who is receiving an allowance under *The Blind Persons' Allowances Act, 1951*, or who is a patient in a hospital, sanatorium or nursing home, or who resides in an institution under *The Charitable Institutions Act* or *The Homes for the Aged Act* or in any other charitable or public institution.

2. *The Disabled Persons' Allowances Act, 1952* is amended by adding thereto the following section:

8a. If the Parliament of Canada provides any form of assistance to disabled persons, the Lieutenant-Governor in Council,

(*a*) may enter into any agreement that he deems advisable for the purpose of securing to Ontario the benefits of such provision; and

(*b*) may expend or authorize the expenditure of such moneys as he deems advisable to implement or give effect to any such agreement.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Disabled Persons' Allowances Amendment Act, 1954*.

## CHAPTER 24

## An Act to amend The Division Courts Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 21 of *The Division Courts Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 106, s. 21,  
amended

- (3) Notwithstanding subsection 2, the costs of the books, forms, stationery and stationery supplies with respect to the division courts having jurisdiction in The Municipality of Metropolitan Toronto shall be repaid to the respective clerks by the treasurer of the metropolitan municipality upon the certificate of the Inspector. Special  
provision re  
Metropolitan  
Toronto

**2.** Section 89 of *The Division Courts Act* is amended by striking out the figures "90" in the third line and inserting Rev. Stat.,  
c. 106, s. 89,  
amended lieu thereof the figures "88".

**3.** *The Division Courts Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 106,  
amended

196a. Notwithstanding sections 195 and 196, with respect to the division courts having jurisdiction in The Municipality of Metropolitan Toronto, Special  
provisions re  
Metropolitan  
Toronto

- (a) the treasurer of the metropolitan municipality shall pay to the clerk of each such court the amount certified to have been paid to jurors;
- (b) the clerk of each such court shall make the return mentioned in subsection 2 of section 196 to the treasurer of the metropolitan municipality and pay over to him the fees payable under section 196; and
- (c) the treasurer of the metropolitan municipality shall keep an account of all money so received by him under the head of "Division Court Jury Fund",

and

and subsection 4 of section 196 shall not apply with respect to the metropolitan municipality and the County of York.

Rev. Stat.,  
c. 106, s. 200,  
subs. 2,  
amended

**4.** Subsection 2 of section 200 of *The Division Courts Act* is amended by striking out the word “of” in the third line and inserting in lieu thereof the word “or”.

Commence-  
ment

**5.** This Act shall be deemed to have come into force on the 1st day of January, 1954.

Short title

**6.** This Act may be cited as *The Division Courts Amendment Act, 1954*.



## CHAPTER 25

## An Act to amend The Election Act, 1951

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Election Act, 1951* is repealed. 1951,  
c. 21, s. 4,  
repealed
2. Subsections 2 and 3 of section 16 of *The Election Act, 1951* are repealed. 1951,  
c. 21, s. 16,  
subss. 2, 3,  
repealed
3. Section 17 of *The Election Act, 1951* is amended by striking out the words "or who is maintained in whole or in part as an inmate receiving charitable support or care in a home for the aged or house of industry" in the fourth, fifth and sixth lines, so that the section shall read as follows: 1951,  
c. 21, s. 17,  
amended
  17. No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a penal or reform institution undergoing punishment for a criminal offence, or who is a patient in a mental hospital. Disqualifica-  
tion of  
convicts,  
mentally ill  
persons
- 4.—(1) Paragraph 2 of section 18 of *The Election Act, 1951* is amended by striking out the words "whether he or she is or is not an Indian, enfranchised or unenfranchised, or of whole or part Indian blood, and" in the seventh, eighth and ninth lines. 1951,  
c. 21, s. 18,  
par. 2,  
amended
- (2) The said section 18 is amended by adding thereto the following subsection: 1951,  
c. 21, s. 18,  
amended
  - (2) For the purposes of this section, a statutory declaration by a person claiming to be a British subject shall be *prima facie* evidence of the facts declared to. Evidence  
of facts
5. Sections 20, 21 and 22 of *The Election Act, 1951* are repealed. 1951,  
c. 21, ss. 20,  
21, 22,  
repealed
6. Subsections 1 and 2 of section 23 of *The Election Act, 1951* are repealed and the following substituted therefor: 1951,  
c. 21, s. 23,  
subss. 1, 2,  
re-enacted
  - (1) Where an election is to be held, the Lieutenant-Governor in Council may appoint a day for the nomination of candidates, which day shall be, Nomination  
day
    - (a)

- (a) not more than sixty and not less than twenty-three days after the date of the writs of election where the nomination day appointed is in the months from April to October inclusive; or
- (b) not more than sixty and not less than thirty days after the date of the writs of election where the nomination day appointed is in the months from November to March inclusive.

Polling  
day

- (2) The fourteenth day after nomination day shall be the day on which polling shall take place where a poll is granted.

1951, c. 21,  
s. 24, re-  
pealed

**7.** Section 24 of *The Election Act, 1951* is repealed.

1951, c. 21,  
s. 28, re-  
enacted;  
ss. 29-31,  
repealed

**8.** Sections 28, 29, 30 and 31 of *The Election Act, 1951* are repealed and the following substituted therefor:

Appoint-  
ment of  
R.O.'s

- 28.—(1) The Lieutenant-Governor in Council may at any time appoint a returning officer for any electoral district who shall hold office until he has completed the work of the general election next following his appointment.

Idem

- (2) Every person appointed a returning officer under subsection 1 shall be a British subject, of the full age of twenty-one years, and resident in Ontario.

Refusal or  
incapacity  
to act

- (3) If the person appointed returning officer under subsection 1 dies, or refuses to act, or is absent or incapacitated, or is unable from any cause to act, the Lieutenant-Governor in Council may appoint some other person to be returning officer.

Notifica-  
tion of  
appoint-  
ment

- (4) The Chief Election Officer shall notify every person appointed as returning officer of his appointment, and thereupon such person shall enter upon his duties under this Act and *The Voters' Lists Act, 1951*.

1951, c. 93

Oath of  
R.O.

- (5) Every returning officer immediately upon receiving notice of his appointment shall take and subscribe the oath (Form 6), and every returning officer who refuses or neglects to take and subscribe the oath shall incur a penalty of \$40.

Endorse-  
ment on  
writ

- (6) Every returning officer on receiving a writ for an election shall endorse thereon the date of its receipt.

Where  
appoint-  
ment is  
subsequently  
superseded

- (7) If a writ for an election has been issued to a person in whose stead a returning officer has been appointed under subsection 3, a new writ may be issued or the new returning officer may act under the writ already

issued

issued as if the same had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers, if he thinks fit, in the place of the persons, if any, appointed to such offices by the person previously named returning officer.

**9.** Sections 35 and 36 of *The Election Act, 1951* are re-<sup>1951, c. 21,</sup>  
pealed.<sup>ss. 35, 36,</sup>  
<sup>repealed</sup>

**10.** Section 38 of *The Election Act, 1951* is amended by<sup>1951, c. 21,</sup>  
adding at the end thereof the words “and such nomination<sup>s. 38,</sup>  
shall be subject to and be conducted in accordance with  
section 58”, so that the section shall read as follows:

38. The place for the nomination of candidates shall<sup>Place and</sup>  
be the court house, municipal hall or some other<sup>time of</sup>  
public or private building in the most central or<sup>nomination</sup>  
the most convenient place for the majority of the  
voters of the electoral district, and the time appointed  
for the nomination of candidates shall be from 1  
p.m. until 2 p.m. of the day fixed for that purpose,  
and such nomination shall be subject to and be  
conducted in accordance with section 58.

**11.** Subsection 3 of section 41 of *The Election Act, 1951*<sup>1951, c. 21,</sup>  
is amended by striking out the word “seventh” in the first<sup>s. 41, subs. 3,</sup>  
line and inserting in lieu thereof the word “fourteenth”, so<sup>amended</sup>  
that the subsection shall read as follows:

(3) The polling day shall be the fourteenth day after<sup>Polling</sup>  
nomination day.<sup>day</sup>

**12.** Section 53 of *The Election Act, 1951* is repealed and<sup>1951, c. 21,</sup>  
the following substituted therefor:<sup>s. 53, re-</sup>  
<sup>enacted</sup>

53.—(1) The returning officer shall divide his electoral<sup>Polling</sup>  
district into polling subdivisions.<sup>subdivisions</sup>

(2) Where the council of a municipality has divided the<sup>Idem</sup>  
municipality into polling subdivisions, the returning  
officer, in dividing his electoral district into polling  
subdivisions, may adopt the municipal polling  
subdivisions.

**13.**—(1) Subsection 4 of section 58 of *The Election Act,*<sup>1951, c. 21,</sup>  
*1951* is repealed and the following substituted therefor:<sup>s. 58, subs. 4,</sup>  
<sup>re-enacted</sup>

When to  
be filed

- (4) The nomination paper shall be produced to and filed with the returning officer at any time during the ten days immediately preceding nomination day or at any time up to the close of nominations on nomination day.

1951, c. 21,  
s. 58, subss.  
6, 7,  
re-enacted

- (2) Subsections 6 and 7 of the said section 58 are repealed and the following substituted therefor:

Certificate  
of R.O. as  
to regularity

- (6) Where the nomination paper is filed with the returning officer during the ten days next preceding nomination day or not later than 11 a.m. on nomination day, the returning officer shall then and there examine the paper and if he is satisfied of the regularity thereof he shall so certify in writing, and his certificate shall be final and the validity of the nomination shall not be open to question upon any ground whatsoever, and where such a certificate is issued it shall not be necessary for the candidate or his agent to be present at the nomination meeting.

Nomination  
paper,

- (7) Where the nomination paper is filed with the returning officer after 11 a.m. on nomination day and before the time fixed for the close of nominations,

acceptance,

- (a) the returning officer shall accept the nomination paper and announce the name of the candidate;

rejection

- (b) if, on examination of the nomination paper, it appears to the returning officer that the nomination is invalid for any reason, he shall communicate the facts to the Chief Election Officer, and he shall not reject the nomination unless the Chief Election Officer authorizes the rejection not later than 2 p.m. on the day next following nomination day in which case the returning officer shall give notice of the rejection immediately by registered mail to the rejected candidate and all other candidates.

1951, c. 21,  
s. 65, subss. 2,  
re-enacted

- 14.** Subsection 2 of section 65 of *The Election Act, 1951* is repealed and the following substituted therefor:

D.R.O. to  
be voter

- (2) No person shall be appointed a deputy returning officer who is not qualified to vote at the election.

1951, c. 21,  
ss. 76, 77,  
repealed

- 15.** Sections 76 and 77 of *The Election Act, 1951* are repealed.

**16.** Subsection 3 of section 78 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951, c. 21,  
s. 78, subs. 3  
re-enacted

- (3) No person shall be appointed a poll clerk who is not qualified to vote at the election. Poll clerk  
to be  
voter

**17.—**(1) Subsection 1 of section 88 of *The Election Act, 1951* is amended by striking out the words “will be absent in the ordinary course of their business or employment” in the fourth and fifth lines and inserting in lieu thereof the words “expect to be absent”, so that the subsection shall read as follows: 1951, c. 21,  
s. 88, subs. 1,  
amended

- (1) The returning officer, with the approval of the board in each electoral district in which the necessity for such action arises, shall provide polls for the purpose of receiving the votes of voters who expect to be absent from the electoral district on the day fixed for polling. Advance  
polls

(2) Subsection 5 of the said section 88 is amended by striking out the words “will be absent in the ordinary course of my business or employment” in the first and second lines of the declaration and inserting in lieu thereof the words “expect to be absent”, so that the subsection shall read as follows: 1951, c. 21,  
s. 88, subs. 5,  
amended

- (5) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll: Declaration  
by voter

I, ....., declare that I expect to be absent from the electoral district of..... where I am ordinarily resident on the day for holding the poll at the coming election.

Dated at ..... this ..... day of ....., 19...

.....  
(Signature of Voter)

Witness:  
.....  
Deputy Returning Officer

**18.** Section 95 of *The Election Act, 1951* is repealed and the following substituted therefor: 1951, c. 21,  
s. 95, re-  
enacted

- 95.—(1) In rural polling subdivisions the deputy returning officer, if required by a person whose name has been omitted in error from the polling list and who is vouched for by a voter whose name is on the polling Vouching  
in rural  
polling sub-  
divisions



list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street, number, lot, concession, etc.*), that your name as you believe has been omitted in error from the polling list, and that you are a British subject and qualified to vote at this election. So help you God.

Vouching  
in urban  
polling sub-  
divisions

- (2) In urban polling subdivisions the deputy returning officer, if requested by a person whose name has been omitted in error from the polling list but whose name appears on the municipal voters' list for the polling subdivision in which he resides as being entitled to vote at provincial elections, and who is vouched for by a voter whose name is on the polling list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street, number, lot, concession, etc.*), that your name appears on the municipal voters' list for the polling subdivision in which you reside as being entitled to vote at provincial elections, that your name as you believe has been omitted in error from the polling list, and that you are a British subject and qualified to vote at this election. So help you God.

Oath of  
voter vouch-  
ing for  
person  
omitted from  
polling list

- (3) To the voter vouching for a person under subsection 1 or 2, the deputy returning officer shall administer an oath in the following form:

You swear that your name is (*full name of voter*), that you reside at (*give street, number, lot, concession, etc.*), that you are the person named by the said name in the polling list, that you well know (*insert name of applicant*), and that he is as you believe duly qualified to be entered on the polling list and to vote at this election. So help you God.

Name to be  
entered on  
list

- (4) The deputy returning officer, after administering the prescribed oaths, shall cause the applicant's name to be added to the polling list with the word "sworn" written thereafter.

Right to  
vote

- (5) The applicant, upon taking the oath and being vouched for, shall be entitled to vote.

1951,  
c. 21, s. 108,  
subs. 2,  
repealed

**19.** Subsection 2 of section 108 of *The Election Act, 1951* is repealed.

1951,  
c. 21, s. 114,  
cl. c,  
amended

**20.** Clause *c* of section 114 of *The Election Act, 1951* is amended by striking out the words "other than the number placed thereon by the deputy returning officer in the case provided for by section 108" in the second, third and fourth lines, so that the clause shall read as follows:

- (c) upon which there is any writing or mark by which the voter can be identified.

**21.** Section 160 of *The Election Act, 1951* is repealed.

1951,  
c. 21, s. 160,  
repealed

**22.** Subsection 3 of section 165 of *The Election Act, 1951* is repealed and the following substituted therefor:

1951,  
c. 21, s. 165,  
subs. 3,  
re-enacted

- (3) The dissemination at any time by any means, by a candidate or his agent, of political information or material or other information or material of public interest shall not be deemed to be a corrupt or illegal act or a contravention of this Act.

Dissemination of political information, etc.

**23.** Subsection 1 of section 203 of *The Election Act, 1951* is amended by striking out the word "two" where it occurs in the sixth and eighth lines respectively and inserting in lieu thereof the word "three", so that the subsection shall read as follows:

1951,  
c. 21, s. 203,  
subs. 1,  
amended

- (1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall within three months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of three months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid the same or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer.

Statement of election expenses, etc., to be sent to R.O.

**24.** Form 37 of *The Election Act, 1951* is repealed and the following substituted therefor:

1951, c. 21,  
Form 37,  
re-enacted



**25.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.  
<sup>ment</sup>

**26.** This Act may be cited as *The Election Amendment* <sup>Short title</sup>  
*Act, 1954.*





## CHAPTER 26

## An Act to amend The Elevators and Lifts Act, 1953

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Elevators and Lifts Act, 1953*, is amended by striking out the words "or more" in the fourth line, so that the clause shall read as follows: c. 33, s. 1,  
cl. *h*,  
amended

(*h*) "escalator" means a power-driven, inclined, continuous stairway or runway affixed to a building or structure that is used for lifting or lowering persons and that serves two floors or permanent levels of the building or structure, and includes its hoistway enclosure.

2. *The Elevators and Lifts Act, 1953* is amended by adding thereto the following section: 1953, c. 33,  
amended

19*a*. If the regulations provide qualifications for attendants or require attendants to be licensed, no person other than a qualified attendant or a licensed attendant, as the case may be, shall operate an elevator or incline lift. Idem

3. Section 20 of *The Elevators and Lifts Act, 1953* is amended by adding thereto the following subsection: 1953,  
c. 33, s. 20,  
amended

(2) No person shall operate an elevator, dumb-waiter, escalator, manlift or incline lift or cause or permit it to be operated in an unsafe manner. Idem

4. *The Elevators and Lifts Act, 1953* is amended by adding thereto the following section: 1953, c. 33,  
amended

21*a*. The prohibitions contained in sections 18, 19, 20 and 21 do not apply to an inspector, or a person authorized by an inspector, during the installation, alteration, repair, testing, or inspection of an elevator, dumb-waiter, escalator, manlift or incline lift. Exception,  
ss. 18-21

1953,  
c. 33, s. 25,  
subs. 1, cl. *i*,  
amended

5.—(1) Clause *i* of subsection 1 of section 25 of *The Elevators and Lifts Act, 1953* is amended by striking out the words “prescribing conditions respecting” in the first line and inserting in lieu thereof the word “regulating”, so that the clause shall read as follows:

- (i) regulating the use, location, design, construction, installation, operation, maintenance, ventilation, drainage, lighting, heating, alteration, repair, testing and inspection of elevators, dumb-waiters, escalators, manlifts or incline lifts and equipment used in connection therewith.

1953,  
c. 33, s. 25,  
subs. 1, cl. *j*,  
re-enacted

(2) Clause *j* of subsection 1 of the said section 25 is repealed and the following substituted therefor:

- (j) prescribing requirements as to the form and substance of the drawings and specifications to be submitted under this Act and the qualifications of persons by whom such drawings and specifications are to be prepared and certified and the fees to be paid upon submission of such drawings and specifications.

1953,  
c. 33, s. 25,  
subs. 1, cl. *o*,  
re-enacted

(3) Clause *o* of subsection 1 of the said section 25 is repealed and the following substituted therefor:

- (o) prescribing qualifications for attendants or providing for and requiring the licensing of attendants.

1953,  
c. 33, s. 25,  
subs. 1, cl. *q*,  
amended

(4) Clause *q* of subsection 1 of the said section 25 is amended by striking out the words “or for the examination of drawings and specifications submitted for approval under this Act and designating the amount of such fees” in the second, third and fourth lines, so that the clause shall read as follows:

- (q) providing for fees to be paid on the grant or transfer of licences.

1953,  
c. 33, s. 25,  
subs. 1,  
amended

(5) Subsection 1 of the said section 25 is amended by adding thereto the following clause:

- (qq) prescribing the fees to be paid for inspections by inspectors.

1953,  
c. 33, s. 25,  
subs. 1, cl. *r*,  
re-enacted

(6) Clause *r* of subsection 1 of the said section 25 is repealed and the following substituted therefor:

- (r) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees, or both, are to be paid.

**6.** Section 26 of *The Elevators and Lifts Act, 1953* is amended <sup>1953,</sup>  
by adding thereto the following subsection: <sup>c. 33, s. 26,</sup>  
<sup>amended</sup>

- (3) Subsection 1 does not apply to by-laws or parts <sup>Exception,</sup>  
of by-laws prescribing fire safety requirements for <sup>fire safety</sup>  
hoistway enclosures, and in the event of conflict <sup>require-</sup>  
between any such by-law and this Act or the regula- <sup>ments</sup>  
tions, the provision prescribing the more stringent  
requirements prevails.

**7.** This Act comes into force on a day to be named by the <sup>Commence-</sup>  
Lieutenant-Governor by his Proclamation. <sup>ment</sup>

**8.** This Act may be cited as *The Elevators and Lifts Amend-* <sup>Short title</sup>  
*ment Act, 1954.*



## CHAPTER 27

## An Act to amend The Evidence Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 40, as amended by section 2 of *The Evidence Amendment Act, 1952*, and section 41, as re-enacted by section 3 of *The Evidence Amendment Act, 1952*, of *The Evidence Act* are repealed and the following substituted therefor: Rev. Stat., c. 119, s. 40, s. 41 (1952, c. 28, s. 3), re-enacted

- 40.—(1) An oath, affidavit, affirmation or statutory declaration administered, sworn, affirmed or made within or outside Ontario before a person who holds a commission as an officer in the Canadian Forces and is on full-time service is as valid and effectual to all intents and purposes as if it had been duly administered, sworn, affirmed or made within Ontario before a commissioner for taking affidavits in Ontario. Oaths, etc., administered by commissioned officers
- (2) A document that purports to be signed by a person mentioned in subsection 1 in testimony of an oath, affidavit, affirmation or statutory declaration having been administered, sworn, affirmed or made before him and on which his rank and unit are shown below his signature is admissible in evidence without proof of his signature or of his rank or unit or that he is on full-time service. Admissibility
- 41.—(1) An oath, affidavit, affirmation or statutory declaration administered, sworn, affirmed or made outside Ontario before, Oaths, etc., administered outside Ontario
- (a) a judge;
  - (b) a magistrate;
  - (c) an officer of a court of justice;

(d)



- (d) a commissioner for taking affidavits or other competent authority of the like nature;
- (e) a notary public;
- (f) the head of a city, town, village, township or other municipality;
- (g) an officer of any of Her Majesty's diplomatic or consular services, including an ambassador, envoy, minister, charge d'affaires, counsellor, secretary, attache, consul-general, consul, vice-consul, pro-consul, consular agent, acting consul-general, acting consul, acting vice-consul and acting consular agent;
- (h) an officer of the Canadian diplomatic, consular or representative services, including, in addition to the diplomatic and consular officers mentioned in clause g, a high commissioner, permanent delegate, acting high commissioner, acting permanent delegate, counsellor and secretary; or
- (i) a Canadian Government Trade Commissioner or an Assistant Canadian Government Trade Commissioner,

exercising his functions or having jurisdiction or authority as such in the place in which it is administered, sworn, affirmed or made, is as valid and effectual to all intents and purposes as if it had been duly administered, sworn, affirmed or made within Ontario before a commissioner for taking affidavits in Ontario.

Idem

- (2) An oath, affidavit, affirmation or statutory declaration administered, sworn, affirmed or made outside Ontario before a notary public for Ontario or before a commissioner for taking affidavits in Ontario is as valid and effectual to all intents and purposes as if it had been duly administered, sworn, affirmed or made within Ontario before a commissioner for taking affidavits in Ontario.

Admissibility

- (3) A document that purports to be signed by a person mentioned in subsection 1 or 2 in testimony of an oath, affidavit, affirmation or statutory declaration having been administered, sworn, affirmed or made before him, and on which his office is shown below his signature, and

(a)

- (a) in the case of a notary public, that purports to have impressed thereon or attached thereto his official seal;
- (b) in the case of a person mentioned in clause *f* of subsection 1, that purports to have impressed thereon or attached thereto the seal of the municipality;
- (c) in the case of a person mentioned in clause *g*, *h* or *i* of subsection 1, that purports to have impressed thereon or attached thereto his seal or the seal or stamp of his office or of the office to which he is attached,

is admissible in evidence without proof of his signature or of his office or official character or of the seal or stamp and without proof that he was exercising his functions or had jurisdiction or authority in the place in which the oath, affidavit, affirmation or statutory declaration was administered, sworn, affirmed or made.

**2.** Section 1 of *The Statute Law Amendment Act, 1939* <sup>1939 (2nd Sess.), c. 11, s. 1;</sup> (No. 2) and *The Commissioners for taking Affidavits Amendment Act, 1944* <sup>1944, c. 12, repealed</sup> are repealed.

**3.** This Act may be cited as *The Evidence Amendment Act, 1954*. Short title





## CHAPTER 28

## An Act to promote Fair Accommodation Practices in Ontario

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**W**HEREAS it is public policy in Ontario that places to Preamble  
which the public is customarily admitted be open to all  
without regard to race, creed, colour, nationality, ancestry or  
place of origin; whereas it is desirable to enact a measure to  
promote observance of this principle; and whereas to do so is in  
accord with the Universal Declaration of Human Rights as  
proclaimed by the United Nations;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council;
- (b) "officer" means the officer in the public service who is designated by the Lieutenant-Governor in Council to enforce this Act. *New.*

**2.** No person shall deny to any person or class of persons Discrimina-  
tion pro-  
hibited  
the accommodation, services or facilities available in any  
place to which the public is customarily admitted because of  
the race, creed, colour, nationality, ancestry or place of origin  
of such person or class of persons. *New.*

### 3.—(1) No person shall,

Publishing or  
displaying  
discrimina-  
tory signs  
etc., pro-  
hibited

- (a) publish or display or cause to be published or displayed; or
- (b) permit to be published or displayed on lands or premises or in a newspaper, through a radio broadcasting station or by means of any other medium which he owns or controls,

any

any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or any class of persons for any purpose because of the race or creed of such person or class of persons.

Free speech  
not affected

(2) Nothing in this section shall be deemed to interfere with the free expression of opinions upon any subject by speech or in writing and shall not confer any protection to or benefit upon enemy aliens. R.S.O. 1950, c. 328, ss. 1, 2.

Action on  
complaints

4.—(1) The Minister may require the officer to inquire into the complaint of any person that a contravention of this Act has taken place.

Form of  
complaint

(2) Every such complaint shall be in writing on the form prescribed by the Minister and shall be mailed or delivered to him at his office.

Inquiry

(3) When directed so to do, the officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Report

(4) The officer shall report the results of his inquiry and endeavours to the Minister. *New.*

Commis-  
sion, ap-  
pointment

5.—(1) If the officer is unable to effect a settlement of the matter complained of, the Minister may appoint a commission composed of one or more persons and shall forthwith communicate the names of the members to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commission, or to review, prohibit or restrain any of its proceedings.

powers

Rev. Stat.,  
c. 194

(2) The commission shall have all the powers of a conciliation board under section 26 of *The Labour Relations Act*.

duties

(3) The commission shall give the parties full opportunity to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Minister the course that ought to be taken with respect to the complaint.

Majority  
recom-  
mendations  
to prevail

(4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission.



(5) After a commission has made its recommendations, the Minister may direct it to clarify or amplify any of its recommendations and they shall not be deemed to have been received by the Minister until they have been so clarified or amplified. Clarification of recommendations

(6) The Minister may issue whatever order he deems necessary to carry the recommendations of the commission into effect and the order shall be final and shall be complied with in accordance with its terms. *New.* Minister's order

**6.**—(1) Every person who fails to comply with any provision of this Act or with any order made under this Act is guilty of an offence and on summary conviction is liable, Offences and penalties

(a) if an individual, to a penalty of not more than \$50;  
or

(b) if a corporation, to a penalty of not more than \$100.

(2) The penalties recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1950, c. 328, s. 3, *amended.* Disposition of penalties

**7.** No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister. *New.* Consent to prosecution

**8.**—(1) Where a person has been convicted of a violation of section 3, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining such person from continuing such violation. Injunction proceedings

(2) The judge in his discretion may make such order and the order may be enforced in the same manner as any other order or judgment of the Supreme Court. R.S.O. 1950, c. 328, s. 4 (2, 3), *amended.* Idem

**9.** *The Racial Discrimination Act* is repealed.

Rev. Stat.,  
c. 328,  
repealed

**10.** This Act may be cited as *The Fair Accommodation Practices Act, 1954.* Short title



## CHAPTER 29

# An Act to amend The Farm Products Marketing Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of section 1 of *The Farm Products Marketing Act*, as amended by section 1 of *The Farm Products Marketing Amendment Act, 1951*, is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 1, cl. *e*, re-enacted

- (*e*) "marketing" includes advertising, assembling, buying, financing, packing, selling, transporting, shipping for sale or storage and offering for sale, but does not include buying and selling by retail except where the buying is done by a central organization and the selling by retail is done through more than five outlets.

**2.—(1)** Clause *e* of subsection 1 of section 3 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 3, subs. 1, cl. *e*, re-enacted

- (*e*) to exempt from any scheme or any order of the Board or any agreement or award filed with the Board any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety, grade or size of regulated product.

**(2)** Clause *ff* of subsection 1 of the said section 3, as enacted by subsection 2 of section 2 of *The Farm Products Marketing Amendment Act, 1951*, is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 3, subs. 1, cl. *ff* (1951, c. 25, s. 2, subs. 2) re-enacted

- (*ff*) to authorize any marketing agency appointed under a scheme to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and requiring any such marketing agency, after deducting all necessary and proper

disbursements

disbursements and expenses, to distribute the proceeds of sale in such manner that each person receives a share of the total proceeds in relation to the amount, variety, size, grade and class of the regulated product delivered by him and to make an initial payment on delivery of the product and subsequent payments until the total net proceeds are distributed.

Rev. Stat.,  
c. 131, s. 3,  
subs. 1, cl. g,  
subcl. i, re-  
enacted

(3) Subclause i of clause g of subsection 1 of the said section 3 is repealed and the following substituted therefor:

- (i) to exempt from any scheme or any order of the local board any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety, grade or size of regulated product.

Rev. Stat.,  
c. 131, s. 3  
subs. 1,  
amended

(4) Subsection 1 of the said section 3, as amended by subsection 2 of section 2 of *The Farm Products Marketing Amendment Act, 1951* and section 1 of *The Farm Products Marketing Amendment Act, 1953*, is further amended by adding thereto the following clause:

- (hh) to provide for the administration and disposition of any moneys or securities furnished as proof of financial responsibility.

Rev. Stat.,  
c. 131, s. 4,  
subs. 1, re-  
enacted

**3.—**(1) Subsection 1 of section 4 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

Approval of  
scheme of  
marketing

- (1) Where the Board receives from any group of persons engaged in the production of any farm product within Ontario a petition or request asking that a scheme for the marketing or regulating of the farm product, including the establishment of a local board, be adopted, and the petition or request is made by producers representing at least 10 per cent of all producers engaged in the production of that farm product within Ontario or that part of Ontario to which the proposed scheme is to apply, the Board shall submit to a vote of the persons engaged in the production of that farm product in Ontario or in that part of Ontario to which the proposed scheme is to apply, as the case may be, the questions of the approval of the scheme.

Rev. Stat.,  
c. 131, s. 4,  
amended

(2) The said section 4 is amended by adding thereto the following subsections:

(1a)

- (1a) Where the question of the approval of a scheme is submitted to a vote, the Board may recommend the adoption of the scheme if the percentage of the persons voting in favour of the establishment of the scheme is not less than such percentage of all persons eligible to vote as the regulations prescribe. Submission of question of approval of scheme to vote
- (1b) Where the question of the approval of a scheme has been submitted to the producers and the percentage of persons voting in favour is less than that required under subsection 1a, no further question of the approval of such scheme shall be submitted to the producers within two years from the date of such submission. Resubmission of question, limitation
- (1c) The Board may authorize a marketing agency to conduct a pool or pools under a scheme if the question of such authorization is submitted to a vote of producers engaged in the production of that farm product within Ontario or that part of Ontario to which the scheme applies or the proposed scheme is to apply, as the case may be, and the percentage of the producers voting in favour of the authorization is not less than such percentage of all producers eligible to vote as the regulations prescribe. Authorization to conduct pool

4. Section 5 of *The Farm Products Marketing Act* is amended by inserting after the word "board" in the fourth line the words "or of any agreement or award filed with the Board", so that the section shall read as follows: Rev. Stat., c. 131, s. 5, amended

5. Every person who violates any of the provisions of this Act or the regulations, or of any scheme declared to be in force under this Act, or any order or direction of the Board or of any local board, or of any agreement or award filed with the Board, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$50 and for a subsequent offence to a penalty of not less than \$50 and not more than \$500. Penalty

5. Section 6 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 6, re-enacted

- 6.—(1) Every person who fails to pay at least the minimum price established in any agreement or award filed with the Board for any regulated product, in addition to the penalty provided for in section 5, is liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or part payment for such regulated product. Failure to pay minimum price



Distribution  
of penalty

- (2) The penalties imposed under this section shall be paid to the Board and the Board may distribute the money so received *pro rata* among the persons who failed to receive at least the minimum price, or the Board may, subject to the approval of the Minister, pay the money so received to the Treasurer of Ontario and it shall form part of the Consolidated Revenue Fund.

Rev. Stat.,  
c. 131, s. 7,  
subs. 1,  
cl. a, re-  
enacted

**6.**—(1) Clause *a* of subsection 1 of section 7 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

- (a) regulating and controlling the marketing of regulated products;
- (aa) designating an agency engaged in any phase of marketing through which a regulated product shall be marketed and requiring such regulated product to be marketed through such agency subject to the determinations of any negotiating agency established in connection with the scheme under which such product is marketed.

Rev. Stat.,  
c. 131, s. 7,  
subs. 1,  
amended

(2) Subsection 1 of the said section 7, as amended by section 4 of *The Farm Products Marketing Amendment Act, 1951*, is further amended by adding thereto the following clause:

- (dd) prescribing the manner of taking votes of persons engaged in the production of farm products and the percentages of votes required under section 4.

Rev. Stat.,  
c. 131, s. 7,  
subs. 1,  
cls. *h*, *i*, *j*,  
repealed

(3) Clauses *h*, *i* and *j* of subsection 1 of the said section 7 are repealed.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1954*.

## CHAPTER 30

**An Act to provide for the Financial  
Administration of the Government of  
Ontario and for the Organization of the  
Treasury Department**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpreta-  
tion

- (a) "appropriation" means any authority to pay money out of the Consolidated Revenue Fund;
- (b) "Consolidated Revenue Fund" means the aggregate of all public moneys that are on deposit at the credit of the Treasurer;
- (c) "department" means department of the Government of Ontario and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;
- (d) "fiscal agent" means a fiscal agent appointed under section 50;
- (e) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (f) "minister" means member of the Executive Council;
- (g) "money" includes negotiable instruments;
- (h) "money paid to Ontario for a special purpose" means money that is paid to a public officer under or pursuant to a statute, trust, undertaking, agreement or contract and that is to be disbursed for a purpose specified in or pursuant to such statute, trust, undertaking, agreement or contract;

(i)

- (i) "negotiable instrument" includes a cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar instrument;
- (j) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,
  - (i) special funds of Ontario and the income and revenue therefrom,
  - (ii) revenues of Ontario,
  - (iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and
  - (iv) money paid to Ontario for a special purpose;
- (k) "public officer" includes a minister and any person employed in a department;
- (l) "registrar" means a registrar appointed under section 50;
- (m) "Treasurer" means Treasurer of Ontario. *New.*

## PART I

### ORGANIZATION

Treasury  
Board

**2.**—(1) There shall be a board to be called the Treasury Board, composed of the Treasurer, who shall be the chairman, and any four ministers designated from time to time by the Lieutenant-Governor in Council. R.S.O. 1950, c. 28, s. 1, *amended*.

Alternate  
members

(2) The Lieutenant-Governor in Council may designate other ministers to serve as alternates in the absence of members of the Treasury Board.

Secretary

(3) The Deputy Provincial Treasurer, or in his absence, the secretary of the Budget Committee, is *ex officio* secretary of the Treasury Board.

Rules of  
procedure;  
minutes

(4) The Treasury Board may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board. *New.*

**3.** The Treasury Board shall act as a committee of the Executive Council on all matters relating to finance, revenues, estimates, expenditures and financial commitments and on any other matter concerning general administrative policy in the public service that is referred to the Board by the Executive Council or on which the Board considers it desirable to report to the Executive Council. *New.*

Duties of  
Treasury  
Board

**4.** The Treasury Board may require from any public officer or any agent of the Crown any account, return, statement, document, report or information that the Board considers necessary for the performance of its duties. *New.*

Treasury  
Board may  
require  
production  
of documents

**5.** Subject to the approval of the Lieutenant-Governor in Council, the Treasury Board may make regulations,

Regulations

(a) respecting the collection, management and administration of, and accounting for, public money;

(b) for any purpose necessary for the efficient administration of the public service. *New.*

#### TREASURY DEPARTMENT

**6.** There shall be a department of the public service which shall be called the Treasury Department over which the Treasurer shall preside. *New.*

Treasury  
Department  
established

**7.—(1)** The Treasurer shall manage and control the revenue and expenditure of Ontario and shall supervise, control and direct all matters relating to the financial affairs of Ontario.

Duties of  
Treasurer

(2) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him to the Deputy Provincial Treasurer or to any other officer of the Treasury Department who may act for him in his place and stead and when the Deputy Provincial Treasurer or such other officer acts in the place and stead of the Treasurer it shall be presumed conclusively that he acted in accordance with such a delegation. *New.*

Delegation  
of powers  
and duties of  
Treasurer

**8.—(1)** The Lieutenant-Governor in Council may authorize a seal for the Treasurer and prescribe its use on documents.

Seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. *New.*

Mechanical  
reproduc-  
tion of seal

**9.—(1)** The Lieutenant-Governor in Council shall appoint a Deputy Provincial Treasurer as deputy head of the Treasury Department.

Deputy  
Provincial  
Treasurer

Treasury  
Department  
officers

(2) The Lieutenant-Governor in Council shall appoint a Comptroller of Accounts, a Comptroller of Finances, a Comptroller of Revenue and a Provincial Economist as officers of the Treasury Department.

Duties of  
Deputy  
Provincial  
Treasurer

**10.** Under the direction of the Treasurer, the Deputy Provincial Treasurer,

- (a) shall supervise the administration and management of all matters for which, by this or any other Act, the Treasurer or the Treasury Department or any officer or employee of the Treasury Department has any responsibility; and
- (b) shall perform such other duties as the Treasurer may assign to him. *New.*

Duties of  
Comptroller  
of Accounts

**11.** Under the direction of the Treasurer, the Comptroller of Accounts,

- (a) shall examine the methods of administration and control applied in any department in connection with the accounting of the disbursement of public money and report thereon with his recommendations to the Treasurer and pursuant to such recommendations he may require the adjustment and supervise the operation in each such department of such methods of administration and control as he deems proper or he may provide in any such department accounting and other services in connection with the administration and control of the disbursement of public money; and
- (b) shall perform such other duties as the Treasurer may assign to him. *New.*

Duties of  
Comptroller  
of Finances

**12.** Under the direction of the Treasurer, the Comptroller of Finances shall,

- (a) study and advise upon trends in the field of public finance and the effects of the policies of governments on public borrowing;
- (b) advise upon all matters relating to the raising of money under Part IV and to the management of the public debt and sinking funds of Ontario; and
- (c) perform such other duties as the Treasurer may assign to him. *New.*

Duties of  
Comptroller  
of Revenue

**13.** Under the direction of the Treasurer, the Comptroller of Revenue,

(a)



- (a) shall make in any department any investigation as to the sources and the rates of any tax, fee, revenue or receipt as he may deem advisable and report thereon with his recommendations to the Treasurer;
- (b) shall examine the methods of administration and control applied in any department in connection with collection and accounting of public money and report thereon with his recommendations to the Treasurer and pursuant to such recommendations require the adjustment and supervise the operation in each such department of such methods of administration and control as he deems proper or he may provide in any such department accounting and other services in connection with the administration and control of the collection and accounting of public money; and
- (c) shall perform such other duties as the Treasurer may assign to him. *New.*

**14.** Under the direction of the Treasurer, the Provincial Economist shall, Duties of  
Provincial  
Economist

- (a) study economic and social trends and their effects on the policies of governments;
- (b) study the effects of policies of governments on economic and social conditions;
- (c) study the relations between federal, provincial and municipal governments;
- (d) advise upon and prepare reports respecting any matter mentioned in clause *a, b* or *c*;
- (e) collect such economic and social statistics as are necessary for the purposes of clauses *a, b, c* and *d*; and
- (f) perform such other duties as the Treasurer may assign to him. *New.*

**15.** In any case where it is deemed advisable, the Treasurer Joint  
action may direct that such duties of the Comptroller of Accounts and the Comptroller of Revenue as he may specify shall be performed jointly. *New.*

**16.** Notwithstanding any Act and under the direction of the Treasurer, the Comptroller of Accounts and the Comptroller of Revenue or either of them is entitled to free access at Access to  
books and  
records

all convenient times to all files, documents and records relating to the accounting, collection, management and disbursement of public money in any department, and each of them is entitled to require and receive from any public officer such information, reports and explanations as he deems necessary for the proper performance of his duties. *New.*

Stationing  
of Treasury  
Department  
staff in  
other  
departments

**17.** Under the direction of the Treasurer, the Comptroller of Accounts and the Comptroller of Revenue or either of them may station any person employed in his office in any department to enable him to carry out his duties more effectively, and the department in which such a person is stationed shall provide office accommodation for him. *New.*

Oath of  
secrecy

**18.** Every person who is to examine the accounts or inquire into the affairs of any department pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that department. *New.*

Budget  
Committee

**19.—(1)** There shall be a committee to be called the Budget Committee composed of such officers of the Treasury Department and of any other department as the Lieutenant-Governor in Council may designate from time to time.

Chairman  
and  
secretary

(2) Subject to any directions of the Treasury Board, the Budget Committee may appoint from its members a chairman and a secretary, may determine its own rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Committee.

Duties

(3) The Budget Committee, under the direction of the Treasury Board, shall,

- (a) examine, advise upon and compile the annual and supplementary estimates of revenue, receipts, expenditures and payments;
- (b) inquire into, examine and advise upon the expenditures, the commitments, the prospective expenditures, the revenues and the prospective revenues of each department;
- (c) investigate all matters relating to the receipt, disbursement and payment of public money;
- (d) make suggestions generally with a view to promoting efficiency and economy in any department; and
- (e) perform such other services as the Treasury Board may assign to it. *New.*

## PART II

## PUBLIC MONEY

**20.**—(1) All public money shall be deposited to the credit of the Treasurer. Public money to be deposited

(2) The Treasurer shall establish in his name accounts with such banks as he designates for the deposit of public money. Establishment of bank accounts

(3) Every person who collects or receives public money shall pay all public money coming into his hands to the credit of the Treasurer through such officers, banks or persons and in such manner as the Treasurer directs and shall keep a record of receipts and deposits thereof in such form and manner as the Comptroller of Revenue directs. *New.* Duty of persons collecting public money

**21.**—(1) The Treasurer, when he deems it advisable for the sound and efficient management of public money or of the public debt or of any sinking fund, may purchase, acquire and hold, Treasurer may purchase securities

(a) securities issued by or guaranteed as to principal and interest by Ontario, any other province of Canada, Canada, the United Kingdom, or any of its colonies; and

(b) securities issued by the United States of America,

and pay therefor out of the Consolidated Revenue Fund.

(2) The Treasurer may sell any securities purchased, acquired or held pursuant to this section and the proceeds of such sales shall be deposited to the credit of the Consolidated Revenue Fund. R.S.O. 1950, c. 64, s. 3; 1952, c. 81, s. 1, *amended.* Sale of such securities

**22.**—(1) Where any security, obligation, debenture or covenant, or any interest in real or personal estate, effects, or property is given, or transferred to, made with, or vested in the Treasurer by virtue of his office, the security, obligation, debenture or covenant, and any right of action in respect thereto, and all the estate, right and interest of the Treasurer in respect thereof, upon the death, resignation or removal from office of the Treasurer, shall, subject to the same trusts as they were respectively subject to, vest in the succeeding Treasurer, and may be proceeded on by action or in any other manner, or may be assigned, transferred or discharged, in the name of the succeeding Treasurer. Vesting of securities, etc., in Treasurer and his successors

Realizing  
on securities

(2) A security, obligation, debenture, covenant or an interest in real or personal estate, effects and property may be proceeded on in the name of, or assigned, transferred or discharged by, any member of the Executive Council acting under *The Executive Council Act*.

Rev. Stat.,  
c. 121

Application  
of section

(3) This section applies to every security, obligation, debenture or covenant, and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in any former Treasurer, by virtue or on account of his office, and transfers all the interest, rights and estate of the former Treasurer to the Treasurer for the time being to be vested in him by virtue of his office. R.S.O. 1950, c. 64, s. 4 (1-3).

Settlement  
of or deter-  
mination  
of uncollec-  
tability of  
debts

**23.**—(1) Where a person has an obligation or debt due to the Crown or the Crown has a claim against a person, the Treasurer may, subject to any other Act affecting such obligation, debt or claim, negotiate and accept a settlement in payment and satisfaction of such obligation, debt or claim, or may determine that any such obligation, debt or claim is uncollectable.

Deletion  
of losses

(2) The Lieutenant-Governor in Council, on the recommendation of the Treasurer, may, if he considers it in the public interest, delete from the accounts any loss incurred in any settlement or determination made under subsection 1.

Losses  
charged to  
surplus  
account

(3) The losses deleted from the accounts during any fiscal year shall be reported in the surplus account for that year.  
*New.*

Treasurer  
authorized  
to accept  
certain  
gifts and  
bequests

**24.**—(1) The Treasurer may accept from any person gifts or bequests for the permanent endowment of any charitable or educational object in Ontario, and may invest the same in such securities as the Lieutenant-Governor in Council directs.

Interest

(2) The Treasurer shall pay interest upon such gifts or bequests to such persons, at such rate, at such times and computed in such manner as the Lieutenant-Governor in Council may from time to time determine, and such interest shall be a charge upon and payable out of the Consolidated Revenue Fund. R.S.O. 1950, c. 64, s. 6, *amended*.

Money re-  
ceived for  
special  
purpose

**25.**—(1) Money received by or on behalf of the Crown for a special purpose and paid into the Consolidated Revenue Fund may, subject to any Act applicable thereto, be paid out of the Consolidated Revenue Fund for that purpose.

Interest

(2) The Treasurer may pay interest upon any money to which subsection 1 applies, at such rate, at such times and

computed



computed in such manner as the Lieutenant-Governor in Council may from time to time determine, and such interest shall be a charge upon and payable out of the Consolidated Revenue Fund. *New.*

**26.**—(1) Every person, on the termination of his charge of any account, or, in the case of his death, his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive the same. <sup>Recovery of balance of public money</sup>

(2) Where it appears to the Comptroller of Revenue that any amount of public money has been improperly retained by any person, he shall report the circumstances to the Treasurer. R.S.O. 1950, c. 28, s. 28, *amended*. <sup>Idem</sup>

**27.** Where a refund is authorized to be made to any person, such refund shall be paid out of the Consolidated Revenue Fund and charged to the appropriate account. *New.* <sup>Refunds</sup>

### PART III

#### DISBURSEMENT OF PUBLIC MONEY

**28.**—(1) Every payment out of the Consolidated Revenue Fund shall be made by cheque prepared under the direction of the Comptroller of Accounts and shall be signed by the Treasurer and by the Deputy Provincial Treasurer or such other officer of the Treasury Department as may for the time being be authorized by the Treasurer to sign cheques. <sup>Form of payments out of Consolidated Revenue Fund</sup>

(2) The Treasurer may authorize the use of facsimile signatures on cheques to be affixed thereto by the use of a rubber stamp or by printing, lithographing, engraving or by other mechanical means. <sup>Signature</sup>

(3) Every cheque that is issued under the direction of the Comptroller of Accounts shall, when paid, be delivered into his custody for examination and reconciliation with the statement of cheques issued. <sup>Cancelled cheques</sup>

(4) The Treasurer with the approval of the Auditor may authorize the destruction from time to time of paid and cancelled cheques. R.S.O. 1950, c. 299, s. 12 (2), *part, amended*. <sup>Destruction</sup>

**29.** Where a guarantee has been given under the authority of the Legislature by or on behalf of the Crown for the payment of any debt or obligation, any amount required to be paid by the terms of the guarantee may, subject to the Act authorizing the guarantee, be paid out of the Consolidated Revenue Fund. *New.* <sup>Payment of guarantee</sup>



Special  
warrants

**30.**—(1) Where an accident happens to any public work or building when the Legislature is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when the Legislature is not in session in respect of which an expenditure not foreseen or provided for by the Legislature is urgently required for the public good, the Treasury Board shall estimate the amount to be required for such expenditure and the Lieutenant-Governor in Council may, upon the report of the Treasurer that there is no appropriation for the expenditure and the report of the Treasury Board stating its estimate and the recommendation of the minister of the department concerned that the expenditure is urgently required, order a special warrant to be prepared to be signed by the Lieutenant-Governor authorizing the payment of the amount estimated to be required for such expenditure. R.S.O. 1950, c. 28, s. 13 (3), *amended*.

Warrant  
an appro-  
priation

(2) A warrant issued under this section shall be deemed to be an appropriation for the fiscal year in which it is issued. *New*.

Treasury  
Board  
orders

**31.** Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Treasury Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, and upon the report of the Budget Committee thereon, may make an order authorizing payments to be made against such amount as it deems proper. R.S.O. 1950, c. 28, s. 23, *amended*.

How public  
moneys to  
be paid in  
certain  
circum-  
stances

**32.** If any public money is appropriated by an Act for any purpose or is directed by the judgment of a court or the award of arbitrators or other lawful authority to be paid by the Lieutenant-Governor and no other provision is made respecting it, such money is payable under warrant of the Lieutenant-Governor, directed to the Treasurer, out of the Consolidated Revenue Fund, and all persons entrusted with the expenditure of any such money or any part thereof shall account for the same in such manner and form, with such vouchers, at such periods and to such officer as the Treasurer may direct. R.S.O. 1950, c. 64, s. 5, *amended*.

Allowances  
for travel-  
ing and  
living  
expenses

**33.** The Lieutenant-Governor in Council may make regulations fixing the scale of allowances for the travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service. R.S.O. 1950, c. 28, s. 17.

**34.**—(1) On the application of a minister, the Treasurer may authorize the Comptroller of Accounts to make an accountable advance for the purpose of meeting disbursements for travelling expenses or other contingencies or of making payments on account of expenses incurred or to be incurred.

(2) If, at the termination of the fiscal year in which an advance was made no accounting or repayment of the advance has been received, such advance shall be repaid or accounted for within thirty days thereafter.

(3) Where it appears to the Comptroller of Accounts that an accountable advance or any portion thereof has not been repaid or accounted for as required by subsection 2, he shall report the circumstances to the Treasurer. *New.*

**35.** The Treasurer may pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other supplies delivered to the Queen's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of \$350,000. R.S.O. 1950, c. 28, s. 30.

**36.** An amount received as a refund or repayment of an expenditure or advance and deposited to the credit of the Treasurer shall be included in the unexpended balance of the appropriation against which it was charged. *New.*

## PART IV

### PUBLIC DEBT

**37.** In this Part, "securities" means securities of Ontario and includes Ontario Government stock, bonds, debentures, interest bearing and non-interest bearing treasury bills, notes and any other security representing part of the public debt of Ontario. *New.*

**38.** No money shall be raised by way of loan by the Crown except under this Act or any other Act of the Legislature. *New.*

**39.** All money raised by way of loan and the interest thereon and the principal amount of and interest on all securities issued are a charge on and are payable out of the Consolidated Revenue Fund. *New.*

**40.** Where by this or any other Act authority is given to the Lieutenant-Governor in Council to raise any sum of

money

money by way of loan, unless there is a provision to the contrary in the Act by which the authority is given, such sum may, in the discretion of the Lieutenant-Governor in Council, be raised in one of the following ways, or partly in one and partly in another or others thereof:

- (a) by the issue and sale of any class or classes of securities which may be in such form or forms, may be for such separate sums, may bear interest at such rate or rates, may be payable as to principal and interest at such time or times and at such place or places as the Lieutenant-Governor in Council deems expedient;
- (b) by the issue and sale of non-interest bearing treasury bills which may be in such form and for such separate sums and may be payable at such place or places and at such time or times not later than twelve months after the date thereof, as the Lieutenant-Governor in Council deems expedient;
- (c) by temporary loan or loans, and in any such case, unless the Lieutenant-Governor in Council otherwise directs, the sums authorized to be raised by way of temporary loan, or any part thereof, may be raised by way of cheques creating overdrafts having such signatures affixed thereto as provided by section 28 as would make such cheques, if not creating overdrafts, binding on Ontario, and all moneys paid in honouring any such cheque by any bank upon which such cheque is drawn shall conclusively be deemed to have been raised by the Lieutenant-Governor in Council in pursuance of the authorizing Act. R.S.O. 1950, c. 299, s. 3 (1), *amended*.

Raising  
loans for  
refunding  
purposes

**41.—(1)** The Lieutenant-Governor in Council may raise money by way of loan in such manner and at such times as may be deemed expedient by the issue and sale of any class or classes of securities in such amounts as will realize the net sum required for any or all of the following purposes:

- (a) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued under this or any other Act notwithstanding that the issue of securities for such purpose may have the effect of increasing the amount of the public debt or of extending the term of years, if any, fixed by the Act authorizing the raising of the loan or the issue of the securities being paid, refunded or renewed;

(b)

- (b) payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other obligations, payment whereof is guaranteed or assumed by Ontario. R.S.O. 1950, c. 299, s. 3 (2), *amended*.

(2) A recital or declaration in the order of the Lieutenant-Governor in Council authorizing the issue and sale of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum required to be raised by way of loan is conclusive evidence of that fact. R.S.O. 1950, c. 299, s. 3 (3), *amended*. Effect of recital in order

**42.** Any securities issued under the authority of this or any other Act heretofore or hereafter passed may be made redeemable in advance of maturity at such time or times and at such price or prices as the Lieutenant-Governor in Council may provide at the time of the issue thereof. 1951, c. 69, s. 2, *amended*. Securities may be issued subject to call

**43.** The Lieutenant-Governor in Council may authorize the Treasurer to enter into such contracts and agreements relating to the raising of loans or the issue and sale of securities as the Lieutenant-Governor in Council may approve, but where the Lieutenant-Governor in Council authorizes the raising of a loan by the issue and sale of non-interest bearing treasury bills, he may authorize the Treasurer to offer any such treasury bills for sale on a competitive or other basis and upon such terms and conditions as the Treasurer deems expedient and to sell any or all of such treasury bills in such principal amount or amounts and for such price or prices as the Treasurer may accept. *New*. Contracts and agreements for the raising of loans

**44.** Securities issued under the authority of this Act may be made payable in the currency or currencies of any country or countries. R.S.O. 1950, c. 299, s. 3 (5), *amended*. Securities payable in currency

**45.** Every Act heretofore or hereafter passed that authorizes the borrowing or raising by way of loan of a specific number of dollars or the issue of securities for a specific number of dollars in principal amount shall be deemed to authorize the borrowing or raising by way of loan of the same number of dollars of the United States of America or the issue of securities for the same number of dollars of the United States of America in principal amount, as the case may be. 1951, c. 69, s. 1 (2). Same number of U.S. dollars

**46.** The Lieutenant-Governor in Council may direct that securities, the money invested therein and the interest thereon shall be free from all taxes, succession duties, charges and Exemption from taxation

impositions



impositions now or hereafter imposed by Ontario and by any taxing authority thereof or therein. R.S.O. 1950, c. 299, s. 10, *amended*.

Power to  
change form  
of debt

**47.** The Lieutenant-Governor in Council may change the form of any part of the debt of Ontario by substituting one security for another, provided that neither the capital of the debt nor the annual charge for interest is thereby increased, except where a security bearing a lower rate of interest is substituted for one bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the respective securities; but such substitution shall not be made unless the consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of Ontario, and such substitution may be made by the sale of a security of one class and the purchase of that for which it is desired to substitute it. R.S.O. 1950, c. 299, s. 6.

Securities,  
how  
executed

**48.** The Lieutenant-Governor in Council may provide for the manner of executing securities, and that the signature of the Treasurer upon securities and the coupons attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced, the securities being in such case countersigned by the Deputy Provincial Treasurer or such officer or officers of the Treasury Department as may be appointed for the purpose. R.S.O. 1950, c. 299, s. 12 (1).

Contents  
and con-  
ditions of  
securities

**49.** The Lieutenant-Governor in Council may provide that any securities to be issued shall contain or be subject to such conditions or provisions, including conditions or provisions with respect to the registration and transfer thereof and with respect to the exchange of securities of one form or denomination for securities of a different form or denomination of equivalent aggregate principal amount and bearing the same rate of interest, as he deems expedient. R.S.O. 1950, c. 299, s. 3 (1), cl. (a), *part, amended*.

Registrars  
and fiscal  
agents

**50.—(1)** The Lieutenant-Governor in Council may,

- (a) appoint one or more registrars to perform such services in respect of the registration of securities as he prescribes;
- (b) appoint one or more fiscal agents to perform such services in respect of loans as he prescribes;
- (c) prescribe the duties of registrars and fiscal agents;
- (d) fix the remuneration or compensation of any such registrar or fiscal agent.



(2) Every registrar and fiscal agent shall as often as required by the Treasurer give to the Treasurer an accounting, in such form and containing such information as the Treasurer prescribes, of all his transactions as registrar or fiscal agent. *New.*

Accounting  
by fiscal  
agents and  
registrars

**51.** No officer or person employed in the inscription, registration, transfer, management or redemption of any securities, or in the payment of any interest thereon, is bound to see to the execution of any trust, expressed or implied, to which such securities are subject, or is liable in any way to any person for anything so done by him. R.S.O. 1950, c. 299, s. 8, *amended.*

Officers not  
bound to  
see to trust

**52.** In the event of the loss of any securities or interest coupons thereon by any holder thereof, the Treasurer may pay the amount thereof out of the Consolidated Revenue Fund and may take a bond in such amount and in such form as he deems advisable indemnifying Ontario against loss in respect of such payment. R.S.O. 1950, c. 299, s. 5 (3), *amended.*

Payment  
of lost  
securities

**53.** The Lieutenant-Governor in Council may provide for the creation and management of a special sinking fund with respect to any issue of securities or of a general sinking fund with respect to such securities as have been or are hereafter issued without provision for a sinking fund with respect to them. R.S.O. 1950, c. 299, s. 3 (4), *amended.*

Sinking  
funds

**54.** All money required to provide a sinking fund or otherwise required to secure repayment of securities, the remuneration and compensation of registrars and fiscal agents and all costs, expenses and charges incurred in the negotiation or raising of loans or in the issue, redemption, servicing, payment and management of any loan and any securities issued in respect thereof, may be paid out of the Consolidated Revenue Fund. *New.*

Payment of  
loan ex-  
penses out of  
Consolidated  
Revenue  
Fund

**55.** The Treasurer may cancel securities that come into his hands through purchase for sinking fund or otherwise, and upon cancellation such securities cease to be a charge upon the Consolidated Revenue Fund. R.S.O. 1950, c. 299, s. 7, *amended.*

Power to  
cancel  
securities  
acquired on  
sinking fund  
account

**56.—(1)** All securities issued for raising money by way of loan shall contain in the body of each security a statement of the legislative authority under which the loan is authorized, and no security issued after the 1st day of July, 1922, is valid unless such statement of the legislative authority for the particular loan is contained in the body of such security.

Securities  
to state  
authority

Advertisement to state authority

(2) Every advertisement for the sale of such securities shall contain a statement of the legislative authority under which the loan is authorized. R.S.O. 1950, c. 299, s. 3 (8, 9), *amended*.

Securities heretofore issued

**57.** Nothing in this Act impairs or prejudicially affects the rights of the holder of any securities issued before this Act comes into force. *New*.

Regulations

**58.** The Lieutenant-Governor in Council may make such regulations as he deems necessary,

- (a) for the management of the public debt;
- (b) for the inscription of any securities;
- (c) for the registration, transfer, exchange, redemption, cancellation and destruction of securities. R.S.O. 1950, c. 299, s. 2, *part, amended*.

## PART V

### CIVIL LIABILITY

Notice to person failing to pay over public money

**59.—**(1) Where the Treasurer has reason to believe that any person,

- (a) has received money for the Crown and has not paid it over;
- (b) has received money for which he is accountable to the Crown and has not accounted for it; or
- (c) has in his hands any public money applicable to a purpose and has not applied it to that purpose,

the Treasurer may give notice to such person, or to his personal representative in case of his death, requiring him within such time from the service of the notice as may be stated therein, to pay over, account for, or so apply such money, as the case may be, and to transmit to the Treasurer proper vouchers that he has done so. R.S.O. 1950, c. 315, s. 15 (1), *amended*.

Service of notice

(2) The notice may be served by delivering a copy to the person to whom it is addressed or by leaving it for him at his usual place of abode. R.S.O. 1950, c. 315, s. 15 (2).

Proceedings where notice not complied with

(3) Where a person fails to comply with the notice given under subsection 1 within the time stated therein, the Treasurer may state an account between the Crown and such person showing the amount of the money not paid over,

accounted

accounted for or applied, as the case may be, and, in the discretion of the Treasurer, charging interest on the whole or any part thereof at the rate of 5 per cent per annum from such date as the Treasurer may determine, and in any proceedings for the recovery of such money a copy of the account so stated by the Treasurer, certified by him, shall be *prima facie* evidence that the amount stated therein, together with interest, is due and payable to the Crown, without proof of the signature of the Treasurer or his official character, and without further proof thereof, and such amount and interest may be recovered as a debt due to the Crown in any court of competent jurisdiction. R.S.O. 1950, c. 315, s. 16, *amended*.

**60.** Where a person has received public money to be applied to a purpose and has not so applied it and a notice has been given under subsection 1 of section 59, an equal sum out of the Consolidated Revenue Fund may in the meantime be applied to the purpose to which such sum ought to have been applied. R.S.O. 1950, c. 315, s. 19, *amended*.

Unapplied  
public  
money for  
purpose to  
be applied  
out of Con-  
solidated  
Revenue  
Fund

**61.** Where it appears,

Evidence

- (a) by the books or accounts kept by or in the office of any person employed in the collection or management of the revenue;
- (b) in any accounting by such person; or
- (c) by his written acknowledgment or confession,

that such person has, by virtue of his office or employment, received money belonging to the Crown and has neglected or refused to pay over such money to the proper persons at the proper times, an affidavit deposing to such facts, taken by any person having knowledge thereof, shall, in any proceedings for the recovery of such money, be received in evidence and is *prima facie* proof of the facts stated therein. *New*.

**62.** Where by reason of any malfeasance, nonfeasance or misfeasance by a person employed in collecting or receiving any public money, any sum of money is lost to the Crown, such person is accountable for such sum as if he had collected and received it and it may be recovered from him as if he had collected and received it. R.S.O. 1950, c. 315, s. 18, *amended*.

Liability  
for loss

**63.** Where in the opinion of the Treasurer any person is indebted to the Crown in any specific sum of money, the Treasurer may authorize the Comptroller of Accounts to retain by way of deduction or set-off the amount of such indebtedness out of any sum of money that may be due and payable by the Crown to such person. *New*.

Set-off

**64.**

Books, etc.,  
property  
of the  
Crown

**64.** All books, papers, accounts and documents kept or used by, or received or taken into the possession of any person who is or has been employed in connection with the collection, management, disbursement or accounting of public money, by virtue of that employment, shall be deemed to be chattels belonging to the Crown, and all money and valuable securities received or taken into the possession of any such person by virtue of his employment shall be deemed to be money and valuable securities belonging to the Crown. R.S.O. 1950, c. 315, s. 21, *amended*.

Nothing in  
this Act to  
impair other  
remedies of  
the Crown

**65.** Nothing in this Act affects any remedy that the Crown by virtue of any other Act or law has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown and in the possession of any person or any remedy that the Crown or any person has against such person or his sureties or against any other person. R.S.O. 1950, c. 315, s. 22, *amended*.

## PART VI

### MISCELLANEOUS

Rev. Stat.,  
c. 28, *part*;  
cc. 64, 315;  
repealed

**66.** Sections 1 and 8, subsection 3 of section 13 and sections 17, 20, 23, 28 and 30 of *The Audit Act*, *The Consolidated Revenue Fund Act* and *The Public Revenue Act* are repealed.

Rev. Stat.,  
c. 299;  
1951, c. 69;  
1952, c. 81.  
repealed

**67.** *The Provincial Loans Act*, *The Provincial Loans Amendment Act, 1951* and *The Provincial Loans Amendment Act, 1952* are repealed.

Commence-  
ment

**68.**—(1) This Act, except sections 37 to 42 and sections 44 to 58 and section 67, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 37 to 42 and sections 44 to 58 and section 67 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**69.** This Act may be cited as *The Financial Administration Act, 1954*.

## CHAPTER 31

## An Act to amend The Fire Marshals Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Fire Marshals Act* is amended by adding thereto the following sections: Rev. Stat.,  
c. 140,  
amended

**22a.** No municipality shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, couplings for 1½-inch fire hose or other fittings used in connection with such couplings that are not of the iron pipe standard thread of 11½ threads an inch and that do not conform to the standards and specifications for such couplings and fittings contained in the Canadian Standards Association specification for 1½-inch fire hose coupling screw thread and tail piece internal diameters B89—1954 (2nd edition). Coupling  
standards  
for 1½-inch  
fire hose

**22b.** No municipality shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, couplings for 2½-inch fire hose or other fittings used in connection with such couplings that do not have 5 threads an inch and 3⅛-inch outside diameter of the male coupling and that do not conform to the standards and specifications for such couplings and fittings contained in the Canadian Standards Association specification for 2½-inch fire hose couplings and fittings B89.2—1954 (2nd edition). Coupling  
standards  
for 2½-inch  
fire hose

**22c.** No municipality or body in which is vested the management and control of hydrants shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, hydrants with 2½-inch nozzles that do not conform to the thread standards and Hydrant  
standards

specifications



specifications referred to in section 22*b* or operating nuts that are not square in shape with an over-all dimension on each side of  $1\frac{1}{4}$  inches and a depth of not less than  $1\frac{1}{4}$  inches.

## Penalty

22*d*. Every person, municipality or body in which is vested the management and control of hydrants that violates any of the provisions of section 22*a*, 22*b* or 22*c* shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100 for each day upon which the couplings, fittings or hydrants do not conform to the standards and specifications referred to in such sections and in addition the Fire Marshal may take proceedings by way of mandamus to compel such person, municipality or body to comply with such standards and specifications.

## Application

22*e*. Sections 22*b* and 22*c* apply only to such parts of Ontario as the Lieutenant-Governor in Council may designate from time to time.

## Short title

**2.** This Act may be cited as *The Fire Marshals Amendment Act, 1954*.

## CHAPTER 32

**An Act to amend The Gas Pipe Lines Act, 1951**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Clause *a* of section 1 of *The Gas Pipe Lines Act, 1951* <sup>1951, c. 30,</sup> is amended by striking out the word "Municipal" and inserting <sup>s. 1, cl. *a*,</sup> <sup>amended</sup> in lieu thereof the word "Fuel".
- 2.** Subsection 2 of section 8 of *The Gas Pipe Lines Act, 1951* <sup>1951, c. 30,</sup> is amended by striking out the words "*The Ontario Municipal* <sup>s. 8, subs. 2,</sup> <sup>amended</sup> *Board Act*" in the first line and inserting in lieu thereof the words "*The Ontario Fuel Board Act, 1954*".
- 3.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. <sup>Commence-  
ment</sup>
- 4.** This Act may be cited as *The Gas Pipe Lines Amendment Act, 1954*. <sup>Short title</sup>



## CHAPTER 33

**An Act to amend The Grand River  
Conservation Act, 1938**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 9 of *The Grand River Conservation Act, 1938* is repealed and the following substituted therefor: 1938, c. 15, s. 9, subs. 2, re-enacted

(2) Any municipal council which is dissatisfied with any such apportionment may, within one month after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the Commission in writing by prepaid registered mail that it applies for a review of the apportionment by the Ontario Municipal Board. Review of apportionment by Municipal Board

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Grand River Conservation Amendment Act, 1954*. Short title





## CHAPTER 34

## An Act to amend The Highway Improvement Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 11 of *The Highway Improvement Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 166, s. 11,  
amended

(19) Subject to the approval of the Lieutenant-Governor in Council, the council of a county may from time to time pass a by-law consolidating the by-law establishing its county road system and all by-laws amending such by-law. Consoli-  
dating  
by-law

**2.** *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 166,  
amended

30a.—(1) The council of a county in which a county road system has been established has, with respect to land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*. Restrictions

(2) In the event of conflict between a by-law passed under subsection 1 by a county council and a by-law passed under section 390 of *The Municipal Act* by the council of the local municipality in which the land is situate, the by-law of the county council prevails to the extent of such conflict, but in all other respects the by-law passed by the council of the local municipality remains in full force and effect. Rev. Stat.,  
c. 243

**3.**—(1) Subsection 1 of section 93 of *The Highway Improvement Act* is amended by adding thereto the following clause: Rev. Stat.,  
c. 166, s. 93,  
subs. 1,  
amended

(dd)

- (*dd*) use any land, any part of which lies within one-half mile from any limit of a controlled-access highway, for the purposes of a stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers.

Rev. Stat.,  
c. 166, s. 93,  
amended

- (2) The said section 93 is amended by adding thereto the following subsection:

Idem

- (4*a*) Where an owner or occupant of any land, any part of which lies within one-half mile from any limit of a controlled-access highway, uses the land for any purpose mentioned in clause *dd* of subsection 1 without a permit therefor or in contravention of any condition of a permit therefor and the land was not used for such purpose before the 1st day of April, 1954, the Minister in his discretion may give notice to such owner or occupant requiring him to cease such use.

Rev. Stat.,  
c. 166, s. 93,  
subs. 5,  
amended

- (3) Subsection 5 of the said section 93 is amended by striking out the word and figure "or 4" in the first line and inserting in lieu thereof the figures, word and letter "4 or 4*a*", so that the subsection shall read as follows:

Notice to  
be sent by  
registered  
mail

- (5) Every notice under subsection 3, 4 or 4*a* shall be in writing and sent by registered mail addressed to the owner or occupant of the land, and it shall be deemed conclusively to have been received on the second day following the mailing thereof.

Rev. Stat.,  
c. 166, s. 93,  
subs. 9,  
amended

- (4) Subsection 9 of the said section 93 is amended by striking out the word and figure "or 4" in the third line and inserting in lieu thereof the figures, word and letter "4 or 4*a*", so that the subsection shall read as follows:

Offences and  
penalties

- (9) Every person who violates any of the provisions of subsection 1 or who fails to comply with a notice given under subsection 3, 4 or 4*a* shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence.

Rev. Stat.,  
c. 166,  
amended

4. *The Highway Improvement Act* is amended by adding thereto the following sections:

- 95a.—(1) Subject to the approval of the Ontario Municipal Board, referred to in this section as “the Board”, the council of any municipality may by by-law designate any new road established under section 469 of *The Municipal Act*, or any portion thereof, as a controlled-access road. Controlled-access roads  
Rev. Stat., c. 243
- (2) Subject to the approval of the Board, the municipality may by by-law close any municipal road that intersects or runs into a controlled-access road designated under this section. Closing municipal roads
- (3) The Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Board and the municipality within such time as the Board shall direct. Notice of application for approval of closing road
- (4) No claim by or on behalf of any person who has not filed the particulars of claim within the time directed by the Board shall be allowed except by leave of the Board. Claim, when not to be allowed
- (5) Upon the hearing of the application for approval of the closing of a road, the Board may make such order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Board approving of the closing of a road may contain provisions, Order of Board
- (a) determining the portion or portions of the road that shall be closed;
  - (b) providing that the approval shall be subject to the making of compensation to persons whose land is injuriously affected by the closing of the road,
    - (i) by the payment by the municipality to any of such persons of such damages as may be fixed by the Board,
    - (ii) by the providing of another road for the use of any of such persons,
    - (iii) by the vesting of any portion of the road allowance so closed in any of such persons notwithstanding any other Act, and

(iv) in such other manner as the Board deems proper;

(c) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(d) providing for the doing of such other acts as in the circumstances it deems proper.

Closing  
road

(6) Upon the approval of the Board being so obtained but subject to the order of the Board made on the application for such approval, the municipality may do all such acts as may be necessary to close the road in respect of which the application is made.

Idem

(7) Where, at any time after making application for the approval of the Board of the closing of a road, the municipality discontinues its application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Board, the Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the municipality as it deems proper and may fix the amount of such costs.

Appeal

(8) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Board approving the closing of such road, and the municipality may, upon like leave, appeal from any order of the Board made on an application under this section.

Leave to  
appeal

(9) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

Practice  
and pro-  
cedure on  
appeal

(10) The practice and procedure as to the appeal and incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court and the decision of the Court of Appeal is final.

Rev. Stat.,  
c. 262, s. 98  
not to  
apply

(11) Section 98 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private  
roads, etc.,  
opening  
upon con-  
trolled-  
access road

95b.—(1) No person shall, except under the authority of and in accordance with a by-law of the municipality, construct, use or allow the use of any private

road,

road, entranceway or gate which, or any part of which, is connected with or opens upon a controlled-access road designated under section 95a.

- (2) The municipality may give notice to the owner or occupant of any land requiring him to close up any private road, entranceway or gate that does not comply with subsection 1 or with any by-law passed thereunder. <sup>Notice</sup>
- (3) The notice shall be in writing and sent by registered letter addressed to the owner or occupant of the land and it shall be deemed conclusively to have been received on the second day following the mailing thereof. <sup>Idem</sup>
- (4) If the person to whom the notice is given fails to comply with it within thirty days after its receipt, the council of the municipality may by resolution direct any officer, employee or agent of the municipality to enter upon the land and do or cause to be done whatever may be necessary to close up the private road, entranceway or gate. <sup>Failure to obey notice</sup>
- (5) Every person who violates subsection 1 or fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor constitutes a new offence. <sup>Offence and penalties</sup>
- (6) Where a person to whom a notice has been given under subsection 2 complies therewith, the owner of the land is entitled to such compensation as may be agreed upon between him and the municipality or he may give notice to the clerk of the municipality in writing that he requires the amount of the compensation to be determined by the Ontario Municipal Board, referred to in this section as "the Board". <sup>Compensation</sup>
- (7) Upon receipt of the notice, the clerk of the municipality shall send a copy of the notice to the secretary of the Board. <sup>Notice to Board</sup>
- (8) Upon receipt of the notice, the secretary of the Board shall arrange a time and place for the determination of the matter and shall send notice thereof <sup>Notice of hearing</sup>

by



by registered letter to the owner of the land and to the clerk of the municipality at least fourteen days before the hearing.

Compensa-  
tion

- (9) Any increase in the value of the land due to the establishment of the controlled-access road shall be disregarded in determining the amount of compensation.

Idem

- (10) No compensation shall be allowed in respect of a private road, entranceway or gate constructed after the effective date of the by-law of the municipality designating the road as a controlled-access road.

Board's  
decision  
final

- (11) The decision of the Board is final and is not open to appeal except that an appeal lies to the Court of Appeal upon a question of jurisdiction or upon a question of law in the manner and under the conditions set out in section 98 of *The Ontario Municipal Board Act* which section applies *mutatis mutandis*.

Rev. Stat.,  
c. 262

Commence-  
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Highway Improvement Amendment Act, 1954*.

## CHAPTER 35

## An Act to amend The Highway Traffic Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subclause i of clause *a* of subsection 1 of section 1 of *The Highway Traffic Act* is amended by striking out the words “or dwellings and buildings used for business purposes” in the third and fourth lines and inserting in lieu thereof the words “buildings used for business purposes, schools or churches”, so that the subclause shall read as follows: Rev. Stat.,  
c. 167, s. 1,  
subs. 1, cl. *a*  
subcl. i,  
amended

- (i) not less than fifty per cent of the frontage upon one side of the highway for a distance of not less than 600 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or

. . . . .

(2) Subclause ii of clause *a* of subsection 1 of the said section 1, as amended by section 1 of *The Highway Traffic Amendment Act, 1953*, is further amended by striking out the words “or dwellings and buildings used for business purposes” in the third and fourth lines and inserting in lieu thereof the words “buildings used for business purposes, schools or churches”, so that the subclause shall read as follows: Rev. Stat.,  
c. 167, s. 1,  
subs. 1, cl. *a*,  
subcl. ii,  
amended

- (ii) not less than fifty per cent of the frontage upon both sides of the highway for a distance of not less than 300 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or

. . . . .

**2.** Subsection 1 of section 4 of *The Highway Traffic Act* is amended by striking out the words “in order to procure the issuance to him of a licence, permit or certificate of registration” in the fourth and fifth lines, so that the subsection shall read as follows: Rev. Stat.,  
c. 167,  
s. 4, subs. 1,  
amended

Penalty  
for false  
statement

- (1) Any person who knowingly makes any false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or by the regulations or by the Department, in addition to any other penalty or punishment to which he may be liable, shall be liable for the first offence to a penalty of not less than \$20 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than \$50 and not more than \$200, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

Rev. Stat.,  
c. 167,  
s. 19, subs. 4,  
amended

3. Subsection 4 of section 19 of *The Highway Traffic Act* is amended by inserting after the word "vehicle" in the second line the words "or farm tractor" and by adding at the end thereof the words "or to a trailer or other object or device when drawn directly across a highway by a farm tractor", so that the subsection shall read as follows:

Trailers

- (4) No trailer or other object or device shall be drawn by a motor vehicle or farm tractor on a highway unless the trailer, object or device has two separate means of attachment so constructed and attached that the failure of one such means will not permit the trailer, object or device to become detached; but this subsection shall not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle or to a trailer or other object or device when drawn directly across a highway by a farm tractor.

Rev. Stat.,  
c. 167,  
amended

4. *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations

19a. The Lieutenant-Governor in Council may make regulations requiring any type or class of commercial motor vehicle or trailer to be equipped with rear bumpers and prescribing the location and means of attachment of such bumpers and prescribing the specifications for such bumpers.

Rev. Stat.,  
c. 167, s. 28,  
subs. 1,  
amended

5.—(1) Subsection 1 of section 28 of *The Highway Traffic Act* is amended by striking out the words "motor vehicle shall be operated" in the first line and inserting in lieu thereof the words "person shall drive a motor vehicle" so that the subsection, exclusive of the clauses, shall read as follows:

- (1) No person shall drive a motor vehicle at a greater <sup>Rate of speed</sup> rate of speed than,

(2) Subsections 2 and 3 of the said section 28 are repealed <sup>Rev. Stat., c. 167, s. 28, subss. 2, 3, re-enacted</sup> and the following substituted therefor:

- (1a) The council of a city, town or village and the trustees of a police village may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven upon any highway or portion of a highway under its jurisdiction, and the council of a township may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven upon highways under its jurisdiction in any built-up area within the municipality. <sup>decrease by by-law</sup>

- (2) The council of a city, town or village and the trustees of a police village may by by-law prescribe a lower <sup>in public parks</sup> rate of speed for motor vehicles driven in any public park or exhibition ground than is prescribed in subsection 1, but such lower rate of speed shall not be less than 15 miles per hour.

- (2a) The council of a city, town or village and the trustees of a police village may by by-law authorize <sup>increase by by-law</sup> a higher rate of speed for motor vehicles driven upon any highway or portion of a highway under its jurisdiction than is prescribed in subsection 1, but such increased rate of speed shall not be more than 50 miles per hour.

- (2b) No by-law passed under subsection 1a or 2a shall become effective until approved by the Department <sup>approval of by-laws</sup> and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations of the Department.

- (3) Subsections 1, 1a, 2 and 2a shall not apply to a motor vehicle of a municipal fire department while <sup>fire department vehicles</sup> proceeding to a fire or answering a fire alarm call.

6.—(1) Subsection 1 of section 41 of *The Highway Traffic Act* is amended by striking out the words "to the right hand of the other vehicles or horseman shall have the right-of-way" in the third and fourth lines and inserting in lieu thereof the words "on the left of the other vehicle or horseman shall yield the right-of-way to the person on the right", so that the subsection, exclusive of the clauses, shall read as follows: <sup>Rev. Stat., c. 167, s. 41, subs. 1, amended</sup>

- (1) Where two persons in charge of vehicles or on horse- <sup>Right-of-way</sup> back approach a crossroad or intersection, or enter an intersection, at the same time, the person on the left of the other vehicle or horseman shall yield the right-of-way to the person on the right.

(2)

Rev. Stat.,  
c. 167, s. 41,  
subs. 1,  
cl. *d*,  
amended

(2) Clause *d* of subsection 1 of the said section 41 is amended by inserting after the word "left" in the second line the words "or right", so that the clause shall read as follows:

Signal  
for turn

- (*d*) The driver or operator of a vehicle upon a highway before turning to the left or right from a direct line shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

Rev. Stat.,  
c. 167, s. 41,  
subs. 1,  
cl. *f*, re-  
enacted

(3) Clause *f* of subsection 1 of the said section 41 is repealed and the following substituted therefor:

How to  
signal  
manually

- (*f*) When the signal is given by means of the hand and arm, the driver or operator shall indicate his intention to turn,

(i) to the left, by extending the hand and arm horizontally and beyond the left side of the vehicle, or

(ii) to the right, by extending the hand and arm upward and beyond the left side of the vehicle.

Rev. Stat.,  
c. 167, s. 41,  
subs. 1,  
amended

(4) Subsection 1 of the said section 41, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951* and section 10 of *The Highway Traffic Amendment Act, 1953*, is further amended by adding thereto the following clause:

Signal for  
stop

- (*h*) The driver or operator of a vehicle upon a highway before stopping or suddenly decreasing the speed of the vehicle, if the operation of any other vehicle may be affected by such stopping or decreasing of speed, shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to stop or decrease speed,

Manually

(i) by means of the hand and arm extended downward beyond the left side of the vehicle, or

Signalling  
device

(ii) by means of a stop lamp or lamps on the rear of the vehicle which shall emit a red or yellow light and which shall be actuated upon application of the service or foot brake and which may or may not be incorporated with one or more rear lamps.



(5) Subsection 3 of the said section 41 is amended by striking out the first four lines and inserting in lieu thereof the following: Rev. Stat., c. 167, s. 41, subs. 3, amended

- (3) The driver or operator of every vehicle or car of an electric railway shall before entering or crossing a through highway bring the vehicle or car to a full stop immediately before entering the nearest crosswalk or if none at a clearly marked stop-line or if there is no crosswalk or stop-line then immediately before entering the travelled portion of the through highway. Full stop at through highway

7. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 167, amended

41a.—(1) The Lieutenant-Governor in Council may make regulations providing for the erection of signs on any highways and prescribing the types of signs to be erected and the location of each type of sign. Signs

- (2) Every driver or operator of a vehicle shall obey the instructions or directions indicated on any sign so erected. Signs to be obeyed

8. Subsection 1 of section 47 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 47, subs. 1, re-enacted

- (1) No person shall throw or deposit or cause to be deposited on any highway other than in receptacles provided for the purpose any glass, nails, tacks, scraps of metal or rubbish of any kind. Depositing rubbish on highways prohibited

9. Subsection 2 of section 48 of *The Highway Traffic Act* is amended by striking out the words "for the first offence to a penalty of not less than \$25 and not more than \$100, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than sixty days; and for any subsequent offence shall be liable" in the second to seventh lines, so that the subsection shall read as follows: Rev. Stat., c. 167, s. 48, subs. 2, amended

- (2) Any person who violates any of the provisions of subsection 1 shall be liable to a penalty of not less than \$100 and not more than \$500 and shall also be liable to imprisonment for a term of not more than six months, and in addition his licence or permit may be suspended for a period of not more than one year. Penalty

10. Section 64 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 64, re-enacted

Applica-  
tion of  
penalties

64. Every penalty collected for an offence committed on the King's Highway outside a city, town or village and on any portion of the King's Highway that is designated as a controlled-access highway shall be paid to the Department and every penalty collected for an offence committed on any other highway, including any portion of the King's Highway that is not designated as a controlled-access highway within a city, town or village, shall be paid to the local municipality in which the offence was committed.

Rev. Stat.,  
c. 167,  
amended

- 11.**—(1) *The Highway Traffic Act* is amended by adding thereto the following section:

Actions  
by non-  
residents

- 102a. No action may be brought against the Registrar by or on behalf of any person who ordinarily resides outside of Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Part is afforded to residents of Ontario.

Application

- (2) Section 102a of *The Highway Traffic Act*, as enacted by subsection 1, applies in respect of motor vehicle accidents occurring before or after the date this Act comes into force but does not affect any action brought before this Act comes into force.

Rev. Stat.,  
c. 167, s. 106,  
repealed

- 12.** Section 106 of *The Highway Traffic Act* is repealed.

Rev. Stat.,  
c. 167, s. 107,  
amended

- 13.**—(1) Section 107 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Interest

- (4) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs.

Application

- (2) Subsection 4 of section 107 of *The Highway Traffic Act*, as enacted by subsection 1, applies only in respect of judgments obtained after the date this Act comes into force.

Rev. Stat.,  
c. 167, s. 110,  
subs. 1,  
amended

- 14.** Subsection 1 of section 110 of *The Highway Traffic Act* is amended by striking out the symbol and figures "\$50" in the fourth line and inserting in lieu thereof the symbol and figures "\$100", so that the subsection shall read as follows:

- (1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, <sup>Duty to report accident</sup> if the accident results in personal injuries, or in damage to property apparently exceeding \$100, report the accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information or written statement concerning the accident as may be required by the officer or by the Registrar.

**15.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**16.** This Act may be cited as *The Highway Traffic Amend-* <sup>Short title</sup>  
*ment Act, 1954.*



## CHAPTER 36

**An Act to amend The Homes for the Aged Act**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 3a of *The Homes for the Aged Act*, as enacted by section 1 of *The Homes for the Aged Amendment Act, 1951*, is amended by striking out the words "contiguous municipalities" in the fifth line and inserting in lieu thereof the words "municipalities in the same district", so that the subsection shall read as follows:

Rev. Stat.,  
c. 168, s. 3a  
(1951,  
c. 35, s. 1),  
subs. 1,  
amended

- (1) A city or town having a population of not less than 25,000 in a district may, with the approval of the Minister, establish, erect and maintain a home for the aged, or the councils of any such city or town and of one or more municipalities in the same district may, with the approval of the Minister, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged.

Establish-  
ment of  
homes by  
cities and  
towns in  
districts

**2.** Subsection 3 of section 9 of *The Homes for the Aged Act* is amended by adding at the end thereof the words "and where a person is so committed, the magistrate shall determine the municipality to which the person belongs and ensure that the statement mentioned in clause d of subsection 4 has been completed", so that the subsection shall read as follows:

Rev. Stat.,  
c. 168, s. 9,  
subs. 3,  
amended

- (3) Any magistrate may, by writing under his hand, commit any person who is over sixty years of age and who is unable to care properly for himself to a home for the aged, and where a person is so committed, the magistrate shall determine the municipality to which the person belongs and ensure that the statement mentioned in clause d of subsection 4 has been completed.

Committal  
to home by  
magistrate

**3.** *The Homes for the Aged Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 168,  
amended



## Affidavits

1951  
(2nd Sess.),  
c. 2

- 9a. Every local authority within the meaning of *The Old Age Assistance Act, 1951* has power to take affidavits and statutory declarations for the purposes of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario.

Rev. Stat.,  
c. 168, s. 13,  
re-enacted

4. Section 13 of *The Homes for the Aged Act*, as amended by section 1 of *The Homes for the Aged Amendment Act, 1953*, is repealed and the following substituted therefor:

Interpre-  
tation

13. In sections 13a to 13d, "last revised assessment rolls as equalized" means last revised assessment rolls as equalized for the purposes of this Act by the district assessor or, if there is no district assessor, by the Department of Municipal Affairs.

Maintenance  
of homes in  
districts

- 13a.—(1) The cost of maintaining a home for the aged in a district shall be defrayed in each year by the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized.

Estimates  
and appor-  
tionment

- (2) The board shall in each year apportion the amount that it estimates will be required to defray its expenditures for that year among the municipalities in the district, and shall on or before the 25th day of February notify the clerk of each such municipality of the amount to be provided by that municipality.

Levy and  
collection

- (3) Each such municipality shall include the amount required to be provided by it in its estimates for the then current year and shall levy and collect the amount in like manner as taxes and pay the amount to the board on demand.

Where  
assessments  
not equal-  
ized in time

- (4) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the district assessor or the Department of Municipal Affairs before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments according to their assessment rolls as returned, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed.

Capital cost  
of homes in  
districts

- 13b.—(1) The cost of establishing and erecting a new home for the aged in a district or of an addition to or extension of an existing home for the aged in a district shall be defrayed by the municipalities in the

district

district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized.

- (2) The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund of such amount, to assist in defraying the cost of establishing and erecting the new home or of the addition to or extension of the existing home, as he may determine in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized portions of the district. <sup>Provincial subsidy</sup>
- (3) The board shall apportion the amount that it estimates will be required to establish and erect the new home or for the addition to or extension of the existing home among the municipalities in the district and shall notify the clerk of each such municipality of the amount to be provided by that municipality. <sup>Apportionment</sup>
- (4) Each such municipality shall, within ninety days after receipt of the notice, determine the method it will use in raising the amount required to be provided by it, and shall take such steps as are necessary to carry the determination into effect and shall raise the amount and pay it over to the board. <sup>Raising of funds</sup>

13c.—(1) The Ontario Municipal Board, upon the application of the council of one or more of the municipalities in the district, may by order, <sup>Alternative method of raising funds</sup>

- (a) authorize one of the municipalities in the district to raise the whole amount required by the issue of its debentures; or
- (b) authorize two or more of the municipalities in the district to raise the whole amount required by the issue of their debentures in such amounts as the Ontario Municipal Board may order,

and thereupon the municipality or municipalities shall raise the whole amount required by the issue of debentures and shall pay the proceeds to the board, and subsection 4 of section 13b shall not apply.

- (2) Where debentures are issued to provide the whole amount required as provided in subsection 1, the board shall in each year during the currency of the debentures apportion the amount that will be required in that year to pay the amounts of principal <sup>Apportionment of carrying charges</sup>

and

and interest on the debentures among the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized, and shall include the amount to be provided by each such municipality as a separate item in its estimates submitted to the clerk of the municipality under subsection 2 of section 13a, and subsections 3 and 4 of section 13a shall apply.

Distribu-  
tion of  
carrying  
charges

- (3) The board shall in each year distribute the moneys received under subsection 2 to the municipality which issued the debentures or, where two or more municipalities issued the debentures, to such municipalities in the same proportion as the amount raised by each such municipality bore to the total amount raised.

Capital cost  
of homes  
heretofore  
established  
or altered

- 13d.—(1) Where, before the 1st day of April, 1954, a new home for the aged has been established and erected in a district, or addition to or extension of an existing home for the aged in a district has been made, the board, upon the request expressed by resolutions of a majority of the councils of the municipalities in the district, shall apply to the Ontario Municipal Board for an order providing that subsections 2 and 3 shall apply in respect of the cost incurred in respect of the new home or the addition or extension.

Idem

- (2) Where the Ontario Municipal Board makes an order under subsection 1,
  - (a) the board shall determine the annual amount that would have been required to pay the annual amounts of principal and interest if debentures, payable in annual instalments with interest at 5 per cent per annum for a term of twenty years, had been issued by one municipality to finance the cost of the establishment and erection of the new home or of the addition to or extension of the existing home; and
  - (b) the board shall in each year during the remainder of the term of twenty years apportion the annual amount so determined among the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized, and shall include the amount to be

provided

provided by each such municipality as a separate item in its estimates submitted to the clerk of the municipality under subsection 2 of section 13a, and subsections 3 and 4 of section 13a shall apply.

- (3) The board shall in each year distribute the moneys <sup>Distribu-</sup> received to the municipalities in the district that <sup>tion</sup> contributed to the cost of the new home or of the addition or extension in the proportion that the contribution of each such municipality to the cost bore to the total of the contributions of all such municipalities to the cost.

**5.** Section 4 shall be deemed to have come into force on the <sup>Commence-</sup> 1st day of January, 1954. <sup>ment</sup>

**6.** This Act may be cited as *The Homes for the Aged Amend-* <sup>Short title</sup> *ment Act, 1954.*





## CHAPTER 37

## An Act to amend The Infants Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Infants Act* is amended by adding thereto the following subsection:

Rev. Stat.,  
c. 180, s. 1,  
amended
- (5) On an application under this section, the court may require the Official Guardian to cause an investigation to be made and to report to the court upon all matters relating to the custody, maintenance and education of the child, in which case section 6 of *The Matrimonial Causes Act* applies *mutatis mutandis* and the court may make an order for the payment of the Official Guardian's costs.

Investigation  
by Official  
Guardian
2. This Act may be cited as *The Infants Amendment Act*,

Short title

1954.



## CHAPTER 38

**An Act to amend The Insurance Act**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 210 of *The Insurance Act*, as re-enacted by section 14 of *The Insurance Amendment Act, 1951*, is amended by adding thereto the following words and clause:

Rev. Stat.,  
c. 183, s. 210  
(1951,  
c. 39, s. 14),  
amended

or, where the coverage is expressly excluded by an endorsement approved by the Superintendent,

(g) for loss or damage arising from the ownership, use or operation of any machinery or apparatus, including its equipment, mounted on or attached to the automobile with a separate power or heating unit, while at the site of the use or operation of such machinery or apparatus.

**2.** Subsection 2 of section 212*b* of *The Insurance Act*, as enacted by section 15 of *The Insurance Amendment Act, 1951*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 183,  
s. 212*b*  
(1951,  
c. 39, s. 15),  
subs. 2,  
re-enacted

(2) Insurance under a valid owner's policy shall, as respects the liability arising from the ownership, use or operation of the automobile specifically described in the policy, be a first loss insurance and insurance attaching under any other valid motor vehicle policy shall be excess insurance only.

Where more  
than one  
motor  
vehicle  
liability  
policy

**3.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-  
ment

**4.** This Act may be cited as *The Insurance Amendment Act, 1954*.

Short title



## CHAPTER 39

## An Act to amend The Judicature Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1951*, is further amended by adding thereto the following subsection: Rev. Stat.,  
c. 190, s. 5,  
amended

(2) Where the Chief Justice of the High Court is absent from Ontario or where he is for any reason unable to act, his powers shall be exercised and his duties performed by the senior judge of the High Court able to act in his stead. Absence of  
C.J.H.C.

**2.** Subsection 2 of section 40 of *The Judicature Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 190, s. 40,  
subs. 2,  
re-enacted

(2) The Court of Appeal may sit in one division or in two or more divisions as the Chief Justice of Ontario may direct from time to time. Divisions

**3.** Section 63 of *The Judicature Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 190, s. 63,  
amended

(1a) In an action, tried by a judge and jury, to which subsection 1 of section 51 of *The Highway Traffic Act* applies, the judge may direct the jury to specify negligent acts or omissions that caused the damages or injuries in respect of which the action is brought. Negligent  
acts  
specified  
by jury  
Rev. Stat.,  
c. 167

**4.** *The Judicature Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 190,  
amended

83a.—(1) In the event of the death, suspension, resignation, retirement or removal of a local registrar, county court clerk or surrogate registrar, the deputy local registrar, deputy county court clerk or deputy surrogate registrar, as the case may be, shall *pro tempore* be the local registrar, county court clerk or

surrogate



surrogate registrar, as the case may be, until the suspension is terminated or another person has been appointed and has assumed the duties of the local registrar, county court clerk or surrogate registrar, as the case may be.

Idem

- (2) Where there is no deputy local registrar, deputy county court clerk or deputy surrogate registrar, in the absence of or in the event of the death, suspension, resignation, retirement or removal of the local registrar, county court clerk or surrogate registrar, as the case may be, the Crown attorney for the county shall *pro tempore* be the local registrar, county court clerk or surrogate registrar, as the case may be, until the suspension is terminated or another person has been appointed and has assumed the duties of the local registrar, county court clerk or surrogate registrar, as the case may be.

Commence-  
ment

**5.** This Act, except section 3, comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Judicature Amendment Act, 1954*.

## CHAPTER 40

## An Act to amend The Jurors Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Jurors Act* is amended by adding thereto the following subsection: Rev. Stat., c. 191, s. 3, amended

(3) Every grand juror and every petit juror who has received fees for attending a sittings of any court shall be exempt from being returned and from serving as a grand or petit juror for the period of three years next following the commencement of such sittings, and if his name is entered on the rolls prepared and reported by the selectors of jurors for any sittings of a court to be held within such period of three years, his name shall be deleted therefrom. Exemption for three years after service

**2.** This Act comes into force on the 1st day of July, 1954. Commencement

**3.** This Act may be cited as *The Jurors Amendment Act*, Short title 1954.



## CHAPTER 41

## The Juvenile and Family Courts Act, 1954

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In every Act, "juvenile court" means juvenile and family court and "judge of a juvenile court" or "juvenile court judge" means judge of a juvenile and family court.  
*New.*

**2.—(1)** The Lieutenant-Governor in Council may establish a juvenile and family court in and for,

(a) a county;

(b) two or more counties;

(c) a local municipality separated from the county for municipal purposes;

(d) two or more local municipalities separated from the county for municipal purposes;

(e) a combination of clause *a* and clause *c* or *d*;

(f) a combination of clause *b* and clause *c* or *d*;

(g) one or more provisional judicial districts or part or parts thereof. R.S.O. 1950, c. 193, s. 1 (1-3), *amended*.

**(2)** Every order heretofore made establishing a juvenile court or hereafter made establishing a juvenile and family court shall be deemed not to be a regulation within the meaning of *The Regulations Act*. R.S.O. 1950, c. 193, s. 1 (4), *amended*.

**3.** Every juvenile and family court is a court of record and shall be known as "The Juvenile and Family Court of . . . ." as the Lieutenant-Governor in Council may designate. R.S.O. 1950, c. 193, s. 2 (2), *amended*.

Jurisdiction

**4. Every juvenile and family court,**R.S.C.,  
c. 160

- (a) is a juvenile court for the purpose of dealing with juvenile delinquents so soon as the *Juvenile Delinquents Act* (Canada) is proclaimed in force in the area for which it was established and it has all the powers vested in a juvenile court under that Act;
- (b) has power to try any child charged with an offence against the laws of Ontario; and
- (c) has power to deal with all cases where jurisdiction is conferred by any Act upon a juvenile court or a judge thereof or upon a juvenile and family court or a judge thereof. R.S.O. 1950, c. 193, s. 3, *amended*.

Appointment  
of judge

**5.—**(1) The Lieutenant-Governor in Council may appoint the judge of a juvenile and family court who shall hold office during good behaviour.

Appointment  
of deputy  
judges

(2) The Lieutenant-Governor in Council may appoint one or more deputy judges of a juvenile and family court, each of whom shall act as judge of the court.

Appointment  
of acting  
judge

(3) On evidence satisfactory to the Attorney-General of the absence or illness of a judge or deputy judge, the Attorney-General may appoint any person to act *pro tempore* as judge in his stead. R.S.O. 1950, c. 193, s. 4 (1-3), *amended*.

Retirement  
age  
Rev. Stat.,  
c. 317

(4) The provisions of *The Public Service Act* as to age of retirement of civil servants apply *mutatis mutandis* to judges and deputy judges of juvenile and family courts. *New*.

Clerk and  
staff

**6.—**(1) There shall be a clerk of each juvenile and family court and such staff as the judge of the court deems necessary, who shall be appointed by the Attorney-General. R.S.O. 1950, c. 193, s. 5 (1), *amended*.

Duties  
of clerk

(2) It is the duty of the clerk of a juvenile and family court to ensure that the cases to be heard before the court are properly prepared, to have before the court all papers and documents in such cases, to arrange for the sittings of the court, and to preserve order during the sittings. R.S.O. 1950, c. 193, s. 5 (2).

Idem

(3) The clerk shall keep proper records, the form of which shall be approved by the Inspector of Legal Offices, containing full particulars of the cases dealt with by the court, including the disposition or order made in each case, the parentage, nationality and religion of each delinquent or neglected child, and such other information as may be required. R.S.O. 1950, c. 193, s. 5 (3), *amended*.



7.—(1) The Attorney-General may appoint one or more <sup>Appointment of probation officers</sup> probation officers for a juvenile and family court. R.S.O. 1950, c. 193, s. 6 (2), *amended*.

(2) Every probation officer while acting in the discharge of <sup>Powers</sup> his duties has all the powers of a police constable and a school attendance officer. R.S.O. 1950, c. 193, s. 6 (3, 4), *amended*.

8. Every officer of a juvenile and family court shall act in <sup>Control of officers</sup> accordance with the orders and directions of the judge of the court. R.S.O. 1950, c. 193, s. 7, *amended*.

9.—(1) Every temporary home or shelter provided for <sup>Detention homes</sup> children under *The Children's Protection Act*, and every <sup>Rev. Stat., c. 53</sup> institution for the care of children, or children's home, the governing body of which has given its consent thereto, is a detention home within the meaning of the *Juvenile Delinquents Act* (Canada). <sup>R.S.C., c. 160</sup>

(2) The Attorney-General may declare any place, house, <sup>Idem</sup> home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada).

(3) Every municipality for which a juvenile and family <sup>Duty to provide detention home</sup> court is established and in which there is no detention home, or in which there is no detention home of sufficient capacity, shall provide a detention home satisfactory to the Attorney-General. R.S.O. 1950, c. 193, s. 9 (1, 2, 5), *amended*.

(4) The Attorney-General may make regulations for the <sup>Regulations</sup> government and management of detention homes in so far as they are used for that purpose. R.S.O. 1950, c. 193, s. 9 (3).

(5) The municipality for which a juvenile and family court <sup>Maintenance of child in detention home</sup> is established is liable for the maintenance in a detention home of a child charged with committing an offence in that municipality. R.S.O. 1950, c. 193, s. 9 (4), *amended*.

10.—(1) The municipality in and for which a juvenile and <sup>Duty to provide accommodation and expenses</sup> family court is established shall provide a suitable room for hearing cases and offices, furniture, equipment and supplies for the judge, deputy judges, clerk, probation officers and staff and shall make provision for and pay the expenses of the court including the salaries of the judge, deputy judges, clerk, probation officers and staff.

(2) The Lieutenant-Governor in Council may fix the salaries <sup>Fixing of salaries and expenses</sup> to be paid to the judge and deputy judges and the amount to be appropriated for other salaries and the expenses of the court. R.S.O. 1950, c. 193, s. 10 (1, 2), *amended*.

Payment of  
salaries of  
full-time  
judges

(3) The salary of every full-time judge and every full-time deputy judge shall be paid out of the moneys that are voted therefor by the Legislature and an amount equal to the salary, cost of living bonus, if any, superannuation credits, if any, and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this subsection, be responsible for the payment of such salaries. 1953, c. 52, s. 1.

Apportion-  
ment of cost  
of court

(4) Where a juvenile and family court is established in and for two or more municipalities, the municipalities served by the court shall pay such proportion of the cost of the court as may be agreed upon or failing agreement as may be determined by arbitration.

Arbitration

(5) For the purposes of an arbitration under subsection 4, a judge of a county court of a county other than a county concerned in the proceedings shall be sole arbitrator and the provisions of *The Municipal Arbitrations Act* as to procedure and appeals apply to every such arbitration and to the award. 1952, c. 48, s. 2, *part, amended*.

Rev. Stat.,  
c. 244

Apportion-  
ment of  
cost in  
districts

**11.** Where a juvenile and family court is established in and for a provisional judicial district or part thereof and it serves a municipality in such district or part, the Lieutenant-Governor in Council may fix the amount to be paid by such municipality towards the cost of the court and prescribe the times and manner of making the payments. R.S.O. 1950, c. 193, s. 10 (3), *amended*.

Provincial  
aid

**12.** The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to any municipality of such portion of the cost to it of a juvenile and family court as he may determine. 1952, c. 48, s. 3.

Supreme  
Court  
alimony  
and main-  
tenance  
orders

**13.—**(1) Any person entitled to alimony or maintenance under a judgment or order of the Supreme Court may file a copy of the judgment or order in the juvenile and family court having jurisdiction where the person ordered to pay the alimony or maintenance resides, and when so filed it shall be enforced in the same manner as an order made in that court under *The Deserted Wives' and Children's Maintenance Act*.

Rev. Stat.,  
c. 102

Interpre-  
tation

(2) A person entitled to maintenance under a judgment or order of the Supreme Court within the meaning of subsection 1 includes a child entitled to maintenance under any such judgment or order. *New*.

**14.** Every court established under a predecessor of this <sup>Existing</sup> Act and any judge and deputy judge appointed to any such <sup>courts and</sup> court shall be deemed to have been established or appointed, <sup>judges</sup> as the case may be, under this Act. *New.*

**15.**—(1) Notwithstanding anything in this Act or in *The* <sup>Metropolitan</sup> *Juvenile and Family Courts Act*, the Lieutenant-Governor in <sup>Toronto</sup> Council may appoint two judges and one or more deputy <sup>Rev. Stat.,</sup> judges for the juvenile court established for The Municipality <sup>c. 193</sup> of Metropolitan Toronto.

(2) This section comes into force on the day this Act <sup>Commence-</sup> receives Royal Assent. *New.* <sup>ment</sup>

**16.** *The Juvenile and Family Courts Act, The Juvenile and* <sup>Rev. Stat.,</sup> *Family Courts Amendment Act, 1952* and *The Juvenile and* <sup>c. 193;</sup> *Family Courts Amendment Act, 1953* are repealed. <sup>1952, c. 48;</sup> <sup>1953, c. 52,</sup> <sup>repealed</sup>

**17.** This Act may be cited as *The Juvenile and Family* <sup>Short title</sup> *Courts Act, 1954.*



## CHAPTER 42

## An Act to amend The Labour Relations Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *c* of subsection 1 of section 1 of *The Labour Relations Act* is amended by striking out the word “representing” in the third line and inserting in lieu thereof the words “that, or a council of trade unions that, represents”, so that the clause shall read as follows: Rev. Stat.,  
c. 194, s. 1,  
subs. 1, cl. *c*,  
amended

(c) “collective agreement” means an agreement in writing between an employer or an employers’ organization, on the one hand, and a trade union that, or a council of trade unions that, represents employees of the employer or employees of members of the employers’ organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers’ organization, the trade union or the employees.

(2) Subsection 1 of the said section 1 is amended by adding thereto the following clause: Rev. Stat.,  
c. 194, s. 1,  
subs. 1,  
amended

(*dd*) “council of trade unions” includes an allied council, a trades council, a joint board and any other association of trade unions.

**2.**—(1) Subsection 1 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof the words “and the Board may, before determining the unit, conduct a vote of any of the employees of the employer for the purpose of ascertaining the wishes of the employees as to the appropriateness of the unit”, so that the subsection shall read as follows: Rev. Stat.,  
c. 194, s. 6,  
subs. 1,  
amended

(1) Upon an application for certification the Board shall determine the unit of employees that is appropriate for collective bargaining, but which in every case Board to  
determine  
appropriateness  
of units

shall



shall consist of more than one employee, and the Board may, before determining the unit, conduct a vote of any of the employees of the employer for the purpose of ascertaining the wishes of the employees as to the appropriateness of the unit.

Rev. Stat.,  
c. 194, s. 6,  
subs. 2,  
amended

(2) Subsection 2 of the said section 6 is amended by adding at the end thereof the words "and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group", so that the subsection shall read as follows:

Craft units

(2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group.

Rev. Stat.,  
c. 194, s. 8,  
amended

3. Section 8 of *The Labour Relations Act* is amended by striking out the words "if it" in the fifth line and inserting in lieu thereof the words "and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person employed as a guard if, in either case, the trade union", so that the section shall read as follows:

Security  
guards

8. The Board shall not include in a bargaining unit with other employees any person employed as a guard to protect the property of his employer and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person employed as a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than such guards.

Rev. Stat.,  
c. 194, s. 11,  
amended

4. Section 11 of *The Labour Relations Act* is amended by striking out the figures "20" in the first line and inserting in lieu thereof the word "fifteen", so that the section shall read as follows:

11. The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties may agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement.

Obligation  
to bargain

5. Section 12 of *The Labour Relations Act* is repealed and he following substituted therefor:

Rev. Stat.,  
c. 194, s. 12,  
re-enacted

12. During bargaining, a trade union shall be represented by a bargaining committee,

Composition  
of bargaining  
committee

- (a) consisting of employees of the employer who are in the bargaining unit; or
- (b) in the case of bargaining between a trade union and an employers' organization, consisting of employees of one or more members of such organization who are in the bargaining unit; or
- (c) in the case of bargaining between a trade union and a group of employers bargaining jointly or through representatives of such employers, consisting of employees of one or more of the employers in such group who are in the bargaining unit; or
- (d) in the case of bargaining between a council of trade unions and an employer, an employers' organization, or a group of employers bargaining jointly, consisting of employees of the employer, or of one or more members of such organization or of one or more of the employers in such group, as the case may be, who are in the bargaining unit,

and in any case a bargaining committee may include one or more officers or other representatives of the trade union.

6.—(1) Subsection 1 of section 13 of *The Labour Relations Act* is amended by striking out the figures "50" in the first line and inserting in lieu thereof the word "thirty-five", so that the subsection shall read as follows:

Rev. Stat.,  
c. 194, s. 13,  
subs. 1,  
amended

- (1) Where thirty-five days or more have elapsed from the giving of the notice and it appears that a collective agreement will not be made within a reasonable time, either party may file with the Board a request that conciliation services be made available to the parties,

Requests  
for con-  
ciliation  
services

whereupon

whereupon the Board shall grant the request, but before doing so it may postpone consideration of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime.

Rev. Stat.,  
c. 194, s. 13,  
subs. 2,  
amended

(2) Subsection 2 of the said section 13 is amended by striking out the word "fifty-day" in the fourth line and inserting in lieu thereof the word "thirty-five-day" so that the subsection shall read as follows:

Idem

(2) Upon the joint request of the parties, or upon the request of either of them, the Board, if it is satisfied that no progress in bargaining is being made, may grant the request for conciliation services notwithstanding that the thirty-five-day period mentioned in subsection 1 has not elapsed.

Rev. Stat.,  
c. 194, s. 15,  
re-enacted

7. Section 15 of *The Labour Relations Act* is repealed and the following substituted therefor:

Conciliation  
board,  
appointment  
of members

15. If the conciliation officer is unable to effect a collective agreement within the time allowed under section 14,

(a) the Minister shall forthwith by notice in writing request each of the parties, within five days of the receipt of the notice, to recommend one person to be a member of a conciliation board, and upon the receipt of the recommendations or upon the expiration of the five-day period he shall appoint two members, who, in his opinion, represent the points of view of the respective parties, and the two members so appointed may, within three days after they are appointed, jointly recommend a third person to be a member and chairman of the board, and upon the receipt of the recommendation or upon the expiration of the three-day period, he shall appoint a third person to be a member and chairman of the board; or

(b) the Minister shall forthwith by notice in writing inform each of the parties that he does not deem it advisable to appoint a conciliation board.

Rev. Stat.,  
c. 194, s. 32,  
amended

8.—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection:

(3a)

- (3a) Notwithstanding subsection 3, if there is failure to appoint an arbitrator or to constitute a board of arbitration under a collective agreement, the Minister upon the request of either party may appoint the arbitrator or make such appointments as are necessary to constitute the board of arbitration, as the case may be, and any person so appointed by the Minister shall be deemed to have been appointed in accordance with the collective agreement.

Appointment  
of arbitrator  
by Minister

(2) Subsection 4 of the said section 32 is repealed and the following substituted therefor:

Rev. Stat.,  
c. 194, s. 32,  
subs. 4,  
re-enacted

- (4) The decision of an arbitrator or of an arbitration board is binding,

Effect of  
arbitrator's  
decision

- (a) upon the parties; and
- (b) in the case of a collective agreement between a trade union and an employers' organization, upon the employers covered by the agreement who are affected by the decision; and
- (c) in the case of a collective agreement between a council of trade unions and an employer or an employers' organization, upon the members or affiliates of the council and the employer or the employers covered by the agreement, as the case may be, who are affected by the decision; and
- (d) upon the employees covered by the agreement who are affected by the decision,

and such parties, employers, trade unions and employees shall do or abstain from doing anything required of them by the decision.

**9.** Subsection 1 of section 33 of *The Labour Relations Act* is amended by inserting after the word "to" where it occurs in the second line of clause *a*, the first time in the second line of clause *b* and in the first line of clause *c*, respectively, the words "or is bound by", so that the subsection shall read as follows:

Rev. Stat.,  
c. 194, s. 33,  
subs. 1,  
amended

- (1) Notwithstanding anything in this Act, the parties to a collective agreement may include in it provisions,

Permissive  
provisions

- (a) for requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement or

granting

granting a preference of employment to members of such trade union, or requiring the payment of dues or contributions to such trade union;

- (b) for permitting an employee who represents the trade union that is a party to or is bound by the agreement to attend to the business of the trade union during working hours without deduction of the time so occupied in the computation of the time worked for the employer and without deduction of wages in respect of the time so occupied;
- (c) for permitting the trade union that is a party to or is bound by the agreement to use the employers' premises for the purposes of the trade union without payment therefor.

Rev. Stat.,  
c. 194, s. 36,  
re-enacted

**10.** Section 36 of *The Labour Relations Act* is repealed and the following substituted therefor:

Binding  
effect of  
collective  
agreements  
on members  
of employers'  
organizations

36.—(1) A collective agreement between an employers' organization and a trade union shall, subject to and for the purposes of this Act, be binding upon each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union as if it was made between each of such persons and the trade union, and if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union.

Duty to  
disclose

(2) When an employers' organization commences to bargain with a trade union, it shall deliver to the trade union a list of the names of the employers on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members of the employers' organization for whose employees the trade union is entitled to bargain and to make a collective agreement at that time, except any employer who, either by himself or through the employers' organization, has notified the trade union in writing before the agreement was entered into that he will not be bound by a collective agreement between the employers' organization and the trade union.



- (3) A collective agreement between a council of trade unions and an employer or an employers' organization shall, subject to and for the purposes of this Act, be binding upon each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

Binding effect of collective agreements on members or affiliates of councils of trade unions

- (4) Where a council of trade unions commences to bargain with an employer or an employers' organization, it shall deliver to the employer or employers' organization a list of the names of the trade unions on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members or affiliates of the council of trade unions for whose employees the respective trade unions are entitled to bargain and to make a collective agreement at that time with the employer or the employers' organization, except any trade union that, either by itself or through the council of trade unions, has notified the employer or employers' organization in writing before the agreement is entered into that it will not be bound by a collective agreement between the council of trade unions and the employer or employers' organization.

Duty to disclose

**11.**—(1) Subsection 3 of section 38 of *The Labour Relations Act* is amended by inserting after the word "union" in the second line the words "or council of trade unions", so that the subsection shall read as follows:

Rev. Stat., c. 194, s. 38, subs. 3, amended

- (3) Where notice is given by or to an employers' organization that has a collective agreement with a trade union or council of trade unions, it shall be deemed to be a notice given by or to each member of the employers' organization who is bound by the agreement.

Effect of notice

(2) The said section 38 is amended by adding thereto the following subsection:

Rev. Stat., c. 194, s. 38, amended

Idem

- (4) Where notice is given by or to a council of trade unions that has a collective agreement with an employer or employers' organization, it shall be deemed to be a notice given by or to each member or affiliate of the council of trade unions that is bound by the agreement.

Rev. Stat.,  
c. 194, s. 44,  
re-enacted

**12.** Section 44 of *The Labour Relations Act* is repealed and the following substituted therefor:

Application  
for termina-  
tion after  
conciliation  
following  
notice under  
s. 10

44.—(1) Where a trade union has not made a collective agreement within one year after its certification and notice has been given under section 10 and the Board has granted a request for conciliation services, no application for a declaration that the trade union no longer represents the employees in the bargaining unit determined in the certificate shall be made,

- (a) unless a conciliation board has been appointed and thirty days have elapsed after the conciliation board has reported to the Minister; or
- (b) unless thirty days have elapsed after the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board.

Application  
for certi-  
fication or  
termination  
after  
conciliation  
services  
granted

(2) Where notice has been given under section 38 and the Board has granted a request for conciliation services, no application for certification of a bargaining agent of any of the employees in the bargaining unit as defined in the collective agreement and no application for a declaration that the trade union that was a party to the collective agreement no longer represents the employees in the bargaining unit as defined in the agreement shall be made after the date when the agreement ceased to operate or the date when the request for conciliation services was granted, whichever is later,

- (a) unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months; or
- (b) where no such agreement has been made, unless
  - (i) at least twelve months have elapsed from the date of the granting of the request, or

(ii)

- (ii) a conciliation board has been appointed and thirty days have elapsed after the conciliation board has reported to the Minister, or
- (iii) thirty days have elapsed after the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board,

whichever is later.

**13.** *The Labour Relations Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 194,  
amended

47a.—(1) No employer, employers' organization or person acting on behalf of an employer or an employers' organization shall, so long as a trade union continues to be entitled to represent the employees in a bargaining unit, bargain with or enter into a collective agreement with any person or another trade union or a council of trade unions on behalf of or purporting, designed or intended to be binding upon the employees in the bargaining unit or any of them. Employers  
not to  
interfere  
with bar-  
gaining  
rights

(2) No trade union, council of trade unions or person acting on behalf of a trade union or council of trade unions shall, so long as another trade union continues to be entitled to represent the employees in a bargaining unit, bargain with or enter into a collective agreement with an employer or an employers' organization on behalf of or purporting, designed or intended to be binding upon the employers in the bargaining unit or any of them. Trade unions  
not to  
interfere  
with bargain-  
ing rights

**14.** Subsection 2 of section 49 of *The Labour Relations Act* is amended by adding at the end thereof the words "or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board", so that the subsection shall read as follows: Rev. Stat.,  
c. 194, s. 49,  
subs. 2,  
amended

(2) Where no collective agreement is in operation, no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 10 or has given notice under section 38 on behalf of the employee to his employer, or in the case of a notice under section 38, has received such notice, and conciliation services have been granted and seven days have elapsed after the conciliation board no agree-  
ment

has

has reported to the Minister or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board.

Rev. Stat.,  
c. 194, s. 50,  
amended

**15.** Section 50 of *The Labour Relations Act* is amended by inserting after the word "union" where it occurs in the first and second lines, respectively, the words "or council of trade unions", so that the section shall read as follows:

Unlawful  
strikes

50. No trade union or council of trade unions shall call or authorize, and no officer, official or agent of a trade union or council of trade unions shall counsel, procure, support or encourage an unlawful strike.

Rev. Stat.,  
c. 194, s. 53,  
re-enacted

**16.** Section 53 of *The Labour Relations Act* is repealed and the following substituted therefor:

Working  
conditions  
may not be  
altered

53. Where notice has been given under section 10 or section 38 and no collective agreement is in operation, no employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, and no trade union shall, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees,

(a) until conciliation services have been granted and seven days have elapsed after the conciliation board has reported to the Minister or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board; or

(b) until the right of the trade union to represent the employees has been terminated,

whichever occurs first.

Rev. Stat.,  
c. 194, s. 55,  
amended

**17.** Section 55 of *The Labour Relations Act* is amended by inserting after the word "union" in the first line the words "council of trade unions", so that the section shall read as follows:

Direction  
to file con-  
stitution, etc.

55. The Board may direct any trade union, council of trade unions or employers' organization to file with the Board within the time prescribed in the direction a copy of its constitution and by-laws and a statutory declaration of its president or secretary setting forth the names and addresses of its officers.



**18.** Section 59 of *The Labour Relations Act* is amended by <sup>Rev. Stat.,  
c. 194, s. 59,  
amended</sup> striking out the words "calls or authorizes a strike" in the first line and inserting in lieu thereof the words "or a council of trade unions calls or authorizes a strike or employees engage in a strike", so that the section shall read as follows:

59. Where a trade union or a council of trade unions <sup>Declaration  
of unlawful  
strikes</sup> calls or authorizes a strike or employees engage in a strike which the employer or employers' organization concerned alleges is unlawful, the employer or employers' organization may apply to the Board for a declaration that the strike is unlawful and the Board may make such a declaration.

**19.** Section 60 of *The Labour Relations Act* is amended by <sup>Rev. Stat.,  
c. 194, s. 60,  
amended</sup> inserting after the word "union" where it occurs in the third and fourth lines, respectively, the words "or the council of trade unions", so that the section shall read as follows:

60. Where an employer or employers' organization calls <sup>Declaration  
of unlawful  
lock-outs</sup> or authorizes a lock-out which any of the employees or the trade union or the council of trade unions concerned alleges is unlawful, any of the employees or the trade union or the council of trade unions may apply to the Board for a declaration that the lock-out is unlawful and the Board may make such a declaration.

**20.** Subsections 1 and 2 of section 61 of *The Labour Relations Act* are repealed and the following substituted <sup>Rev. Stat.,  
c. 194, s. 61,  
subss. 1, 2,  
re-enacted</sup> therefor:

- (1) Every person, trade union, council of trade <sup>Offences and  
penalties</sup> unions or employers' organization that fails to comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act is guilty of an offence and on summary conviction is liable,
  - (a) if an individual, to a penalty of not more than \$100; or
  - (b) if a corporation, trade union, council of trade unions or employers' organization, to a penalty of not more than \$1,000.
- (2) Each day that any person, trade union, council of <sup>Continued  
offences</sup> trade unions or employers' organization fails to comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act shall be deemed to constitute a separate offence.



Rev. Stat.,  
c. 194, s. 63,  
amended

**21.** Section 63 of *The Labour Relations Act* is amended by inserting after the word "union" in the first line the words "council of trade unions", so that the section shall read as follows:

Parties to  
offences

63. If a corporation, trade union, council of trade unions or employers' organization is guilty of an offence under this Act, every officer, official or agent thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence.

Rev. Stat.,  
c. 194, s. 64,  
re-enacted

**22.** Section 64 of *The Labour Relations Act* is repealed and the following substituted therefor:

Style of  
prosecution

64. A prosecution for an offence under this Act may be instituted against a trade union or council of trade unions or employers' organization in the name of the union, council or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or council of trade unions or employers' organization within the scope of his authority to act on behalf of the union, council or organization shall be deemed to be an act or thing done or omitted by the union, council or organization.

Rev. Stat.,  
c. 194, s. 66,  
subs. 4,  
amended

**23.** Subsection 4 of section 66 of *The Labour Relations Act* is amended by adding at the end thereof the words "and when the vice-chairman acts as chairman of the Board it shall be presumed conclusively that he is acting in accordance with this subsection", so that the subsection shall read as follows:

Vice-  
chairman

(4) The Lieutenant-Governor in Council may appoint a vice-chairman who shall act as chairman and as a member of the Board only,

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act,

and when the vice-chairman acts as chairman of the Board it shall be presumed conclusively that he is acting in accordance with this subsection.

Rev. Stat.,  
c. 194, s. 67,  
subs. 2, cl. h,  
amended

**24.—**(1) Clause *h* of subsection 2 of section 67 of *The Labour Relations Act* is amended by inserting after the word "employees" in the third line the words "or any of the employees affected by an unsuccessful application for certification or any trade union representing any of the employees affected by such an application", so that the clause shall read as follows:

(*h*)

- (h) to bar an unsuccessful applicant for certification or for a declaration that a trade union no longer represents the employees or any of the employees affected by an unsuccessful application for certification or any trade union representing any of the employees affected by such an application from filing a new application for any period that the Board may specify not exceeding ten months.

(2) Subsection 2 of the said section 67 is amended by adding thereto the following clause:

Rev. Stat.,  
c. 194, s. 67,  
subs. 2,  
amended

- (i) to determine the form in which evidence of membership in a trade union or of objection by employees to certification of a trade union or of the signification by employees that they no longer wish to be represented by a trade union shall be presented to the Board.

**25.**—(1) Clause *b* of subsection 1 of section 68 of *The Labour Relations Act* is amended by inserting after the word “union” in the first line the words “council of trade unions”, so that the clause shall read as follows:

Rev. Stat.,  
c. 194, s. 68,  
subs. 1, cl. b,  
amended

- (b) as to whether an organization is a trade union, council of trade unions or an employers’ organization.

(2) Subsection 2 of the said section 68 is amended by inserting after the word “employee” in the third line the words “or as to whether a person is a guard”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 194, s. 68,  
subs. 2,  
amended

- (2) If in the course of bargaining for a collective agreement, or if during the period of operation of a collective agreement, any question arises as to whether a person is an employee or as to whether a person is a guard, the question may be referred to the Board and the decision of the Board thereon shall be final and conclusive for all purposes.

Idem

**26.** Subsection 2 of section 72 of *The Labour Relations Act* is amended by striking out the words “no conciliation officer shall be” in the fifth line and inserting in lieu thereof the words “the Minister, the Deputy Minister of Labour, the chief conciliation officer of the Department of Labour or any conciliation officer appointed under this Act is not”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 194, s. 72,  
subs. 2,  
amended

- (2) No information or material furnished to or received by a conciliation officer under this Act and no report of a conciliation officer shall be disclosed except to

the

the Minister, the Deputy Minister of Labour or the chief conciliation officer of the Department of Labour, and the Minister, the Deputy Minister of Labour, the chief conciliation officer of the Department of Labour or any conciliation officer appointed under this Act is not a competent or compellable witness in any proceedings before any court or other tribunal respecting any such information, material or report.

Short title

**27.** This Act may be cited as *The Labour Relations Amendment Act, 1954*.

## CHAPTER 43

## An Act to amend The Land Titles Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 23 of *The Land Titles Act*, Rev. Stat. c. 197, s. 23 as amended by section 1 of *The Land Titles Amendment Act*, subs. 1, 1953, is further amended by adding thereto the following amended clause:

- (j) any by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section, Rev. Stat., c. 243 and any by-law hereafter passed under that section, protected and any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land.

**2.—(1)** Notwithstanding anything in *The Land Titles Act*, Existing uses where a by-law has been passed before the 19th day of March, 1954, under section 390 of *The Municipal Act* or a predecessor of that section and land to which *The Land Titles Act* and the by-law applies, or a building or structure thereon, was being used on that day, for a purpose prohibited by the by-law, by a person who purchased the land for valuable consideration without actual notice of the by-law, the by-law does not apply to the land, building or structure so long as it continues to be used for that purpose., Rev. Stat., cc. 197, 243

(2) Subsection 1 applies only where the purchaser purchased Proviso the land after the passing of the by-law and before the 19th day of March, 1954.

(3) Subsection 1 does not apply where the land, or a build- Idem ing or structure thereon, was being used, on the 19th day of March, 1954, for a purpose prohibited by the by-law, by virtue of regulation 45 of Ontario Regulations 98/52 or by virtue of a by-law passed under *The Rent Control Act, 1953*. 1953, c. 93

**3.** Subsection 2 of section 55 of *The Land Titles Act* is Rev. Stat., c. 197, s. 55, repealed and the following substituted therefor: subs. 2, re-enacted

Master to  
furnish  
municipality  
with list of  
conveyances

- (2) Upon the request of the council of a municipality, the master of titles shall furnish annually, semi-annually or monthly in accordance with the request a list of all conveyances by which land in the municipality has been transferred, charged or leased that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such conveyance, the names and addresses of the parties, the consideration and a short description of the land.

Rev. Stat.,  
c. 197,  
amended

- 4.** *The Land Titles Act* is amended by adding thereto the following section:

Removal  
of name of  
deceased  
joint  
tenant

- 58a. Where two or more persons holding as joint tenants have been entered as owners of any land or charge and one of them dies without the joint tenancy having been severed, an application in the prescribed manner shall be submitted by the survivor or survivors to remove from the register the name of the deceased joint tenant.

Rev. Stat.,  
c. 197, s. 61,  
re-enacted

- 5.** Section 61 of *The Land Titles Act* is repealed and the following substituted therefor:

Entry of  
name of  
person  
beneficially  
entitled as  
owner with-  
out reference  
to debts  
Rev. Stat.,  
c. 103

61. Where land has been transferred to a person beneficially entitled thereto within three years after the death of the registered owner or has become vested in the person beneficially entitled thereto under *The Devolution of Estates Act*, the proper master of titles upon application and the production of satisfactory evidence showing that all the debts of the deceased registered owner have been paid and that creditors have been notified may,

- (a) where the person beneficially entitled is shown on the register as owner of the land, and the register shows that such land is subject to the unpaid debts of the deceased registered owner, delete the reference to the unpaid debts from the register; or
- (b) register the person beneficially entitled to the land without reference to the unpaid debts of the deceased registered owner.

Commence-  
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The Land Titles Amendment Act, 1954*.



## CHAPTER 44

## An Act to amend The Legislative Assembly Act

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 18 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the ninth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 18, amended

**2.** Subsection 3 of section 19 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the fourth and fifth lines and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 19, subs. 3, amended

**3.** Section 20 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the eighth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 20, amended

**4.** Subsection 1 of section 22 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the sixth and seventh lines and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 22, subs. 1, amended

**5.—(1)** Subsection 1 of section 26 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the eighth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 26, sub. 1, amended

**(2)** Subsection 2 of the said section 26 is amended by striking out the words "Clerk of the Crown in Chancery" in the sixth line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 26, subs. 2, amended

**6.** Subsection 1 of section 27 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the second line and inserting in lieu thereof the words "Chief Election Officer". Rev. Stat., c. 202, s. 27, subs. 1, amended

Rev. Stat.,  
c. 202, s. 28,  
amended

7. Section 28 of *The Legislative Assembly Act* is amended by striking out the words "Clerk of the Crown in Chancery" in the third line and inserting in lieu thereof the words "Chief Election Officer".

Rev. Stat.,  
c. 202, s. 60,  
subs. 4, re-  
enacted

8. Subsection 4 of section 60 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

advances

(4) Notwithstanding subsection 3, each member on his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$90 per month, that has accrued at the time the request is made.

Rev. Stat.,  
c. 202, s. 61,  
subs. 4, re-  
enacted

9. Subsection 4 of section 61 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

advances

(4) Notwithstanding subsection 3, the Speaker or the Leader of the Opposition upon his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$140 per month, that has accrued at the time the request is made.

Rev. Stat.,  
c. 202,  
ss. 63, 64,  
re-enacted

10. Sections 63 and 64 of *The Legislative Assembly Act* are repealed and the following substituted therefor:

Members  
mileage  
allowance

63. There shall be allowed to each member of the Assembly in respect of four trips per annum from his place of residence to the seat of government at Toronto 10 cents for every mile of the distance between the place of residence and Toronto, which distance shall be determined and certified by the Speaker.

Members of  
committees,  
*per diem*  
allowance

64.—(1) There shall be paid to each member of a committee of the Assembly, other than the chairman thereof, an allowance for expenses of \$30, and to the chairman thereof an allowance for expenses of \$35, in respect of every day during the interval between sessions of the Assembly,

(a) upon which he attends a meeting of the committee; or

(b) upon which he is absent from home and is engaged on the work of the committee, other than days spent travelling to and from meetings of the committee.

travelling  
allowance

(2) There shall be paid to each member of a committee of the Assembly an allowance for travelling of \$20,

and

and his actual disbursements for berth, meals and gratuities, for each day spent travelling to and from meetings of the committee.

- (3) In the case of an inspection tour by a committee of the Assembly, there shall be paid to each member thereof his actual disbursements for transportation and sleeping accommodation.

**11.** This Act comes into force on the 1st day of April, 1954.

Commence-  
ment

**12.** This Act may be cited as *The Legislative Assembly Amendment Act, 1954*.



## CHAPTER 45

## An Act to amend The Liquor Licence Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 79 of *The Liquor Licence Act* Rev. Stat., c. 211, s. 79, subs. 2, amended is amended by striking out the words "Clerk of the Crown in Chancery" where they occur in the first and second lines and in the fourth and fifth lines, respectively, and inserting in lieu thereof the words "Chief Election Officer".

**2.** This Act comes into force on the day it receives Royal Commence-  
Assent. ment

**3.** This Act may be cited as *The Liquor Licence Amendment Act, 1954*. Short title





## CHAPTER 46

**An Act to amend The Live Stock and  
Live Stock Products Act**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 6 of *The Live Stock and Live Stock Products Act* is amended by adding thereto the following clause: Rev. Stat.,  
c. 212, s. 6,  
subs. 1,  
amended

(qq) prescribing the manner in which any live stock or live stock product shall be detained by an inspector.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Live Stock and Live Stock Products Amendment Act, 1954*. Short title



## CHAPTER 47

# An Act to amend The Loan and Trust Corporations Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 133 of *The Loan and Trust Corporations Act* is amended by striking out the words "*The National Housing Act, 1944* (Canada), or any amendments thereto" in the third and fourth lines and inserting in lieu thereof the words "*the National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto" and by striking out the word "Act" in the ninth line and inserting in lieu thereof the word "Acts", so that the subsection shall read as follows:

- (2) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, a registered loan corporation or a registered loaning land corporation may invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Registrar in any other classes or types of investments pursuant to the said Acts, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

2. Subsection 2 of section 134 of *The Loan and Trust Corporations Act* is amended by striking out the words "*The National Housing Act, 1944* (Canada), or any amendments thereto" in the fourth and fifth lines and inserting in lieu thereof the words "*the National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto" and by striking out the word "Act" in the eleventh line and inserting in lieu thereof the word "Acts", so that the subsection shall read as follows:

Investment  
in national  
housing

R.S.C. 1952,  
c. 188

- (2) In addition to the investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, a registered trust company may invest its funds to an aggregate amount not exceeding 5 per cent thereof and may, notwithstanding the provisions of subsection 1, invest moneys received for guaranteed investment or as deposits under sections 80 and 78 to an aggregate amount not exceeding 5 per cent of such moneys, in any other classes or types of investments pursuant to the said Acts, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

Commence-  
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1954*.



## CHAPTER 48

## An Act to amend The Magistrates Act, 1952

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Magistrates Act, 1952* is repealed and the following substituted therefor: 1952,  
c. 53, s. 7.  
re-enacted
  7. Every magistrate is a magistrate in and for the Jurisdiction  
Province of Ontario.
2. Section 12 of *The Magistrates Act, 1952* is repealed and the following substituted therefor: 1952,  
c. 53, s. 12,  
re-enacted
  12. Every judge and deputy judge of a juvenile and Juvenile  
and family  
court judges,  
magistrates  
family court is *ex officio* a magistrate in and for the area served by his court.
3. Section 19 of *The Magistrates Act, 1952* is amended by adding thereto the following subsection: 1952, c. 53,  
s. 19,  
amended
  - (2) Where the total amount of the moneys coming into Idem  
the hands of a magistrate that would except for subsection 1 accrue to the treasurer of a municipality is insufficient to pay such clerical, stationery, rent and other expenses of his court and office as are approved by the Inspector, the amount of the deficiency shall be made up from any moneys in his hands that would otherwise be payable to the Treasurer of Ontario.
4. This Act, except sections 1 and 2, comes into force on Commence-  
ment  
the day it receives Royal Assent.
5. This Act may be cited as *The Magistrates Amendment* Short title  
*Act, 1954.*



## CHAPTER 49

## An Act to amend The Mechanics' Lien Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 4 of *The Mechanics' Lien Act* <sup>Rev. Stat., c. 227, s. 4, subs. 2, amended</sup> is amended by striking out the symbol and figures "\$10" in the third line and inserting in lieu thereof the symbol and figures "\$15", so that the subsection shall read as follows:

(2) This section shall not apply to a manager, officer or <sup>Exception as to certain</sup> foreman, or to any other person whose wages are <sup>employees</sup> more than \$15 a day.

2. This Act may be cited as *The Mechanics' Lien Amend-* <sup>Short title</sup> *ment Act, 1954.*



## CHAPTER 50

## An Act respecting Mental Health

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpreta-  
tion

- (a) "Department" means Department of Health;
- (b) "Director" means Director of Mental Health of the Department;
- (c) "hospital" means a hospital approved under *The Public Hospitals Act*; Rev. Stat.,  
c. 307
- (d) "local board" means the local board of health for any municipality or of a health unit;
- (e) "medical officer of health" means medical officer of health appointed under *The Public Health Act* or any person having the powers thereof; Rev. Stat.,  
c. 306
- (f) "mental health accommodation" means accommodation and facilities established and maintained in a hospital for the care and treatment of persons suffering from psychiatric disorders and includes an observation unit and a detention unit approved under *The Mental Hospitals Act*; Rev. Stat.,  
c. 229
- (g) "mental health officer" means an officer of the Department appointed under this Act;
- (h) "Minister" means Minister of Health;
- (i) "patient" means a person received and lodged in mental health accommodation for the purpose of receiving treatment;
- (j) "regulations" means regulations made under this Act.



Information  
relating  
to mental  
health

**2.** Under the direction of the Minister, the officers of the Department shall promote and encourage the establishment and co-ordination of facilities for the accumulation and dissemination of information relating to mental health, and advise and assist local boards, medical officers of health, public hospitals and other persons and institutions in all matters pertaining to mental health.

Director of  
Mental  
Health

**3.—(1)** For the purpose of carrying out the provisions of this Act and the regulations, the Minister may appoint an officer of the Department to be known as the "Director of Mental Health".

Duties

(2) The Director shall perform such duties as may be assigned to him by this Act, the regulations or the Minister.

Idem

(3) The duties of the Director include,

- (a) the investigation of mental health problems;
- (b) the accumulation of information and statistics in respect of mental health;
- (c) the dissemination of information among and assistance to local boards, medical officers of health, public hospitals and other persons and institutions;
- (d) the inspection and supervision of the accommodation and facilities established and operated by public hospitals for the care and treatment of patients suffering from psychiatric disorders;
- (e) the education of the public in matters of mental health;
- (f) the promotion and co-ordination of facilities and advice in matters relating to community mental health; and
- (g) submission of such reports to the Minister as he may direct.

Mental  
health  
officers

**4.** The Minister may appoint officers of the Department to be known as "mental health officers" who shall perform such duties as may be assigned to them by this Act, the regulations or the Minister.

Duties

**5.** Every mental health officer shall visit and inspect mental health accommodation when and as required by the regulations or by the Director and when visiting mental health accommodation may inspect any part of that accom-

modation

modation and see any patient therein, and inspect all books, records, certificates and forms relating to such patient and shall submit a full report of his inspection to the Minister.

6. The superintendent of a hospital in which mental health accommodation is established shall permit a mental health officer to make inspections under this Act at any time. Superintendent to permit inspections

7. Every mental health officer when inspecting mental health accommodation shall inquire whether any patient is under restraint and why and shall inspect the certificate or certificates for the reception and detention of every patient therein and shall observe, Inquiries to be made by mental health officers

- (a) the condition of the mental health accommodation, its equipment and facilities;
- (b) the appearance of the patients and the number of patients under restraint;
- (c) the sufficiency of its staff; and
- (d) any other matter he deems proper.

8. If it appears to a mental health officer that a patient is detained without sufficient cause, he shall discuss the fitness of the patient with the superintendent of the hospital or an attending medical practitioner and if satisfied that the patient ought to be discharged shall so order in writing and the patient shall be discharged accordingly. Discharge of patient on order of mental health officer

9. The superintendent of every hospital in which mental health accommodation is established, Records and reports

- (a) shall keep such books, records and forms with respect to patients therein; and
- (b) shall submit to the Director reports giving such information with respect to each person who received treatment for psychiatric disorders therein,

as may be prescribed by the regulations or as the Director may require.

10. Where a mental health officer, after an inspection, reports that the accommodation or facilities for the treatment of patients in any mental health accommodation that comprises a detention unit or an observation unit approved under *The Mental Hospitals Act* is unsatisfactory, the Minister may revoke the approval thereto and thereafter the accommodation shall not be used as a detention unit or observation unit, as the case may be. Unsatisfactory accommodation or facilities in accommodation Rev. Stat., c. 229

Act does not  
authorize  
detention

**11.** Nothing in this Act shall be deemed to authorize the detention or restraint of any person where such detention or restraint is not authorized by an Act of this Legislature or is not otherwise lawfully authorized.

Powers,  
duties  
additional  
to those  
under  
Rev. Stat.,  
c. 307

**12.** Nothing in this Act or the regulations shall be deemed to derogate from any of the provisions of *The Public Hospitals Act* and regulations made thereunder and any powers given or duties imposed by this Act or the regulations shall be deemed to be in addition to the powers and duties under *The Public Hospitals Act* and regulations made thereunder.

Regulations

**13.** The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the powers and duties of the Director and mental health officers in respect of any matter mentioned in this Act;
- (b) in respect of mental health accommodation,
  - (i) prescribing the times and extent of inspection thereof and providing for the visitation of patients therein,
  - (ii) prescribing the accommodation, facilities and equipment thereof,
  - (iii) prescribing the forms, records, clinical records, books, returns and reports to be made and kept in connection therewith and providing for returns, reports and information to be furnished to the Director,
  - (iv) providing for staff and employees and qualifications of staff and employees therein, and
  - (v) providing for the admission, treatment and discharge of patients and prescribing the forms therefor.

Short title

**14.** This Act may be cited as *The Mental Health Act, 1954*.

## CHAPTER 51

**An Act to amend The Mental Hospitals Act**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Mental Hospitals Act* is amended by adding thereto the following Part: Rev. Stat.,  
c. 229,  
amended

## PART VIIB

## OBSERVATION UNITS

56f. In this Part,

Interpreta-  
tion

- (a) "observation unit" means that part of a psychiatric unit in a public hospital approved under section 56g;
- (b) "psychiatric unit" means that part of a public hospital established and maintained by the hospital for the purpose of examining, consulting for diagnosing, and treating patients suffering from psychiatric disorders;
- (c) "public hospital" means a hospital approved under *The Public Hospitals Act*.

Rev. Stat.,  
c. 307

56g. The Minister may issue certificates approving a part of a psychiatric unit in a public hospital as an observation unit. Observation  
units

56h. Any person who is a patient in a psychiatric unit and who is or is believed to be suffering from a psychiatric disorder and to be in need of the observation, care and treatment provided in an observation unit may be admitted thereto and detained therein for a period not exceeding five days on the certificate of one medical practitioner in the prescribed form accompanied by the prescribed history form. Admission  
and deten-  
tion

56i.



No admis-  
sion  
without  
application

56i.—(1) Notwithstanding section 11 of *The Public Hospitals Act*, no person shall be taken to an observation unit for admission or admitted thereto until an application has been made and admission has been awarded in accordance with subsections 2 and 3.

Application  
for  
admission

(2) Application for the admission of a person as a patient to an observation unit may be made verbally or in writing to the superintendent thereof or other person designated by the governing body of the public hospital.

Admission

(3) The superintendent of the public hospital or other person so designated shall refer the application for admission to a medical practitioner designated by the governing body of the public hospital and if the medical practitioner certifies in the prescribed form that the prospective patient is suitable for admission to and detention in the observation unit the superintendent may award admission to the prospective patient.

Deputy  
Minister to  
be notified

(4) Within twenty-four hours after the admission of a person to an observation unit, the superintendent shall give notice thereof to the Deputy Minister.

Powers of  
superin-  
tendent of  
public  
hospital

56j. Where a patient has been admitted to an observation unit, the superintendent or other person in charge of the public hospital shall, in addition to any of the powers conferred upon him by the general or special Act under which the hospital operates, have the power of a superintendent of an institution under this Act with respect to the custody and control of the patient.

Limit in  
observation  
unit

56k. No patient shall remain in an observation unit for a period in excess of five days, but the superintendent or other person designated by the governing body of the public hospital may extend the period for an additional five days on the certificate of a second medical practitioner in the prescribed form.

Bed capacity  
of observa-  
tion unit

56l.—(1) The total bed capacity of an observation unit shall not exceed the ratio of one bed in the observation unit of the hospital for each five beds in the psychiatric unit thereof.

Number of  
patients in  
observation  
unit

(2) The number of patients admitted to and treated in an observation unit shall not at any time exceed the total bed capacity of the observation unit.



**2.** Subsection 1 of section 57 of *The Mental Hospitals Act* is amended by striking out the symbol and figure "\$5" in the third line and inserting in lieu thereof the symbol and figures "\$10", so that the subsection shall read as follows:

Rev. Stat.,  
c. 229, s. 57,  
subs. 1,  
amended

- (1) The necessary costs and expenses incurred under sections 23 to 29 and section 35 in determining the mental condition of any person including a fee not exceeding \$10 and a travelling allowance of ten cents per mile of each medical practitioner who issues a certificate in respect of the person and the necessary expenses incurred in conveying the person to and from an institution shall be paid by the municipality from which the person came or was sent to an institution.

Liability of  
municipality

**3.** Section 59 of *The Mental Hospitals Act* is repealed.

Rev. Stat.,  
c. 229, s. 59,  
repealed

**4.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Section 1 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

**5.** This Act may be cited as *The Mental Hospitals Amendment Act, 1954*.

Short title



## CHAPTER 52

**An Act respecting the Milk Industry**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpre-  
tation

- (a) "Commission" means The Milk Industry Commission of Ontario;
- (b) "fluid milk" means milk in its natural state or pasteurized milk, and includes cream;
- (c) "milk" means milk obtained from cows;
- (d) "milk product" means cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, casein, malted milk, sherbet and such products as are designated milk products in the regulations;
- (e) "Minister" means Minister of Agriculture. *New.*

**PART I****THE MILK INDUSTRY COMMISSION OF ONTARIO**

**2.**—(1) There shall be a commission to be known as "The Milk Industry Commission of Ontario" which shall be a body corporate. <sup>Commission established</sup>

(2) The Commission shall consist of seven or more members <sup>Members</sup> appointed by the Lieutenant-Governor in Council.

(3) Any member of The Milk Control Board of Ontario <sup>Idem</sup> or The Milk Products Board of Ontario may be appointed a member of the Commission.

(4) The Lieutenant-Governor in Council may designate <sup>Chairman</sup> one of the members as chairman.

## Quorum

(5) A majority of members constitutes a quorum. *New.*

## Powers and duties

**3.—**(1) The Commission may,

- (a) inquire into any matter relating to the producing or marketing of milk or the manufacturing or marketing of milk products including the cost thereof;
- (b) promote and co-ordinate research with respect to producing and marketing of milk and milk products;
- (c) require The Milk Producers' Co-ordinating Board to furnish such information with respect to its operations as the Commission requires;
- (d) make recommendations to any local board, producers' association, marketing agency or other organization representing milk producers with respect to the production or marketing of milk;
- (e) subject to the approval of the Lieutenant-Governor in Council, make regulations,
  - (i) respecting the health of cows,
  - (ii) respecting the quality of milk produced,
  - (iii) respecting sanitary conditions of cows, premises on which cows are kept or milked and the equipment used in connection with the producing, handling, storing and transporting of milk,
  - (iv) respecting the equipment that shall be used in connection with the producing, handling, storing and transporting of milk,
  - (v) prohibiting the sale of milk by producers for purposes of human consumption or processing that is not produced in accordance with the regulations under this Part,
  - (vi) providing penalties for any violation of this Part or any regulations under this Part.

## Powers of investigation

Rev. Stat.,  
c. 308

(2) Upon any inquiry or investigation under this section, the Commission has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. *New.*

## Inspectors

**4.—**(1) Field-men under Part II and inspectors under Part III shall be inspectors under this Part for the purpose of enforcing the regulations under this Part.

(2) An inspector may enter any premises or conveyance <sup>Power of entry</sup> for the purpose of making an inspection under this Part.

(3) No person shall obstruct an inspector in the performance <sup>Obstruction of inspector</sup> of his duties under this Part. *New.*

#### DAIRY COMMISSIONER

**5.**—(1) There shall be a Dairy Commissioner appointed <sup>Dairy Commissioner</sup> by the Lieutenant-Governor in Council.

(2) It is the duty of the Dairy Commissioner to supervise <sup>Duties</sup> and co-ordinate the administration and enforcement of this Act. *New.*

#### THE MILK PRODUCERS' CO-ORDINATING BOARD

**6.**—(1) There shall be a board to be known as "The <sup>The Milk Producers' Co-ordinating Board</sup> Milk Producers' Co-ordinating Board" which shall be a body corporate.

(2) The Board shall consist of at least twelve members. <sup>Members</sup>

(3) On the recommendation of the Dairy Commissioner, <sup>Appointment</sup> the Lieutenant-Governor in Council may appoint the members of the Board. *New.*

**7.** The Lieutenant-Governor in Council may make regula- <sup>By-laws</sup> tions prescribing by-laws for regulating and governing the conduct of the affairs of the Board. *New.*

**8.** It is the duty of The Milk Producers' Co-ordinating <sup>Powers and duties</sup> Board and it has power,

- (a) to co-ordinate, stimulate, increase and improve the production and marketing of milk and milk products;
- (b) to provide facilities for the handling of any phase of marketing of milk;
- (c) to recommend to any local board, producers' association, marketing agency or other organization representing milk producers that any such organization contribute a portion of its funds to the Board and to receive such contributions;
- (d) to administer and use its funds for the purposes of carrying out its powers and duties under this Act. *New.*



## PART II

## FLUID MILK

Interpre-  
tation**9. In this Part,**

- (a) "agreement" means an agreement made by collective bargaining representatives under this Part; R.S.O. 1950, c. 233, s. 1, cl. (a).
- (b) "award" means an award made by the Board under this Part; 1951, c. 50, s. 1.
- (c) "Board" means The Milk Control Board of Ontario;
- (d) "distributor" means a person engaged in the business of distributing fluid milk either directly or indirectly to consumers;
- (e) "field-man" means a field-man appointed by the Lieutenant-Governor in Council under this Part;
- (f) "inspector" means an inspector appointed by a marketing agency under this Part;
- (g) "licence" means a licence provided for in the regulations;
- (h) "market" means the market named in an agreement or award or the market supplied with fluid milk by the producers represented by a marketing agency or by an association;
- (i) "marketing" includes advertising, buying, selling, offering for sale, transporting, shipping and distributing fluid milk;
- (j) "marketing agency" means a marketing agency established under this Part; R.S.O. 1950, c. 233, s. 1, cls. (c-j).
- (k) "pasteurization plant" means any building or premises where milk is regularly brought for the purpose of being pasteurized; *New*.
- (l) "regulations" means regulations made under this Part; R.S.O. 1950, c. 233, s. 1, cl. (n).
- (m) "transporter" means a person engaged in the business of transporting fluid milk from a producer to a distributor. R.S.O. 1950, c. 233, s. 1; 1951, c. 50, s. 1.

**10.**—(1) The body corporate heretofore established and known as The Milk Control Board of Ontario is continued. Milk Control Board of Ontario continued

(2) The Board shall consist of one or more members appointed by the Lieutenant-Governor in Council. Constitution of Board

(3) Where more than one member is appointed, the Lieutenant-Governor in Council may designate one of the members as chairman. Chairman

(4) Where the Board consists of more than two members, a majority constitutes a quorum. R.S.O. 1950, c. 233, s. 2, *amended*. Quorum

(5) In addition to his vote as a member of the Board, the chairman has a casting vote. 1951, c. 50, s. 2. Casting vote

**11.** There shall be an administrative officer appointed by the Lieutenant-Governor in Council who shall be under the direction and control of the Board, and the officers, field-men and staff of the Board shall be under the direction and control of the administrative officer. R.S.O. 1950, c. 233, ss. 3, 4, *amended*. Administrative officer

**12.**—(1) The Board may,

Powers of Board

- (a) upon its own initiative or upon complaint, inquire into any matter relating to the production, transportation, distribution or sale of fluid milk;
- (b) arbitrate, adjust and settle disputes arising between or among producers, transporters and distributors of fluid milk;
- (c) investigate the cost of producing, transporting and distributing fluid milk, prices, price spreads, trade practices, methods of financing, management, testing, weighing and any other matter relating to the marketing of fluid milk;
- (d) prohibit distributors compelling or inducing producers to invest money either directly or indirectly in a dairy plant or equipment in order that such producers may obtain or retain a sale for their fluid milk;
- (e) prohibit a distributor from terminating without just cause the purchase of fluid milk from a producer or a producer from terminating the sale of fluid milk to a distributor;

(f)

- (f) enter upon and inspect any land, place, building, works or property of any transporter or distributor;
- (g) refuse to grant a licence where the applicant is not qualified by experience, financial responsibility and equipment to properly conduct the proposed business or for any other reason that the Board may deem sufficient;
- (h) suspend, revoke or refuse to renew any licence for failure to observe, perform or carry out any of the provisions of this Part, the regulations, or any order of the Board, or any agreement or award, provided that in every such case the applicant shall be afforded an opportunity of appearing before the Board to show cause why the licence should not be suspended or revoked or why the renewal should not be refused, as the case may be; R.S.O. 1950, c. 233, s. 5 (1), cls. (a-h), *amended*.
- (i) after a public hearing, prescribe maximum prices at which fluid milk may be sold by wholesale or retail in any market; 1951, c. 50, s. 3; 1951, c. 83, s. 5, *amended*.
- (j) do such acts and make such orders as are necessary to enforce the due observance and carrying out of this Part, the regulations and any agreement or award. R.S.O. 1950, c. 233, s. 5 (1), cl. (i).

Powers of investigation

Rev. Stat., c. 308

(2) Upon any inquiry or investigation under this section, the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. R.S.O. 1950, c. 233, s. 5 (2).

Application for marketing agency

**13.**—(1) Where the producers supplying fluid milk to a market have a representative organization, the organization, and where there is no such organization, a representative group of such producers, may apply to the Lieutenant-Governor in Council to establish a marketing agency.

Reference to Board

(2) The application may be referred to the Board and thereupon it is the duty of the Board to take a poll by mail of the producers supplying the market as to whether or not they support the application and if the result of the poll in the opinion of the Board is that at least 66 per cent of the producers supplying the market support the application, it may recommend to the Lieutenant-Governor in Council that it be granted.

(3) Upon receipt of the recommendation, the Lieutenant-Governor in Council may constitute the applicants or any of them as a marketing agency under the name designated. Power to constitute marketing agencies  
 R.S.O. 1950, c. 233, s. 6 (1-3).

(4) Every marketing agency is a body corporate with the following objects, powers and duties: Objects, powers, etc.

- (a) to stimulate, increase and improve the production and marketing of fluid milk;
- (b) to act as the collective bargaining agency for the producers it represents;
- (c) to act as the marketing agency for the producers it represents;
- (d) to appoint inspectors;
- (e) to impose on and collect from all producers it represents licence fees and expend such fees for its purposes or for such purposes as The Milk Producers' Co-ordinating Board recommends; and
- (f) to do such other acts and things as are necessary or conducive to the attainment of its objects, powers and duties. R.S.O. 1950, c. 233, s. 6 (4), *amended*.

(5) Every marketing agency shall furnish to the Board such information relating to any act or thing undertaken or done by the marketing agency as the Board requires. Furnishing of information  
 R.S.O. 1950, c. 233, s. 6 (5), *amended*.

**14.**—(1) The producers or the distributors of fluid milk in any market or any group of markets may require, Collective bargaining, producers, distributors

- (a) in the case of producers, the distributors to whom they sell fluid milk; or
- (b) in the case of distributors, the producers from whom they purchase fluid milk,

to bargain collectively in order to determine the prices that shall be paid to the producers supplying fluid milk to the distributors and to prescribe the terms and conditions relating to the sale and purchase of the fluid milk and to fix quotas or establish quota committees. R.S.O. 1950, c. 233, s. 7 (1); 1952, c. 58, s. 1, *amended*.

(2) The producers or transporters of fluid milk in any market may require, producers, transporters

(a)

- (a) in the case of producers, the transporters who transport their fluid milk to distributors; or
- (b) in the case of transporters, the producers from whom they receive fluid milk,

to bargain collectively in order to determine the prices that shall be paid to the transporters for transporting the fluid milk of the producers to distributors and to prescribe the terms and conditions relating to the transportation of the fluid milk. R.S.O. 1950, c. 233, s. 7 (2), *amended*.

Notice

(3) Notice to bargain collectively setting out,

- (a) the names of the persons joining in the notice;
- (b) the names and addresses of their collective bargaining representatives; and
- (c) the market in respect of which collective bargaining is sought,

shall be given to the persons who are required to bargain collectively and a copy of the notice shall be sent to the Board. R.S.O. 1950, c. 233, s. 7 (3).

Sufficiency  
of repre-  
sentation

(4) Where the Board is of opinion that the persons requiring collective bargaining are not representative of the producers, transporters or distributors, as the case may be, it may, within one week of the receipt of the notice, so advise the persons joining in the notice and the persons to whom the notice was given and thereupon the notice shall cease to have effect. R.S.O. 1950, c. 233, s. 7 (4), *amended*.

Failure to  
observe  
notice

(5) Where the persons required to bargain collectively do not advise the representatives of the persons requiring collective bargaining and the Board of the names of their representatives within one week of the receipt of the notice under subsection 3, the Board may designate persons to represent them.

Sufficiency  
of repre-  
sentation

(6) Where the Board is of opinion that the representatives named by the persons that are required to bargain collectively are not representative of such persons, it may designate persons to represent them.

Commence-  
ment of  
bargaining

(7) Collective bargaining shall commence within two weeks of the receipt of the notice by the persons required to bargain collectively and if collective bargaining does not so commence it shall be presumed that an agreement cannot be reached.



(8) The representatives shall bargain collectively in good <sup>Good faith</sup> faith.

(9) In this section, "persons" includes an association or <sup>Interpre-</sup> a marketing agency. R.S.O. 1950, c. 233, s. 7 (5-9).

**15.**—(1) When collective bargaining has proceeded for <sup>Failure to</sup> two weeks, or sooner if the representatives of either party <sup>agree,</sup> are satisfied that an agreement under section 14 cannot be <sup>arbitration</sup> reached, they may, by notice to the representatives of the other party and to the Minister, require all matters in dispute to be referred to the Board which shall arbitrate the same. 1951, c. 50, s. 4; 1952, c. 58, s. 2, *amended*.

(2) Each of the parties to the arbitration shall assume <sup>Costs</sup> its own costs of the arbitration. 1951, c. 50, s. 4, *part*.

(3) *The Arbitration Act* does not apply to an arbitration <sup>Application of</sup> under this section. 1952, c. 58, s. 2. <sup>Rev. Stat., c. 20</sup>

**16.**—(1) Subject to subsection 2, every agreement shall <sup>Filing of</sup> be filed with the Board and shall come into force on the day <sup>agreements</sup> named in the agreement or if no day is named in the agreement it shall come into force on a day determined by the Board.

(2) If the operation of an agreement is conditional, it <sup>Conditional</sup> shall not be filed. <sup>agreements</sup>

(3) Every award shall come into force on the day named <sup>Awards</sup> in the award. 1952, c. 58, s. 3.

(4) Every agreement and award shall remain in force <sup>Term</sup> until a new agreement or award is in force.

(5) The Board may at any time upon the application of <sup>Re-negotia-</sup> any party to an agreement or award provide for the <sup>tion</sup> re-negotiation of any of its terms by way of collective bargaining under section 14, and failing agreement, by arbitration under section 15. 1951, c. 50, s. 5.

**17.**—(1) Only the producers who supplied fluid milk to <sup>Persons</sup> the market at the time the agreement or award was made <sup>entitled</sup> shall be entitled to supply fluid milk to the market while <sup>to supply</sup> the agreement or award is in effect, provided that any other <sup>fluid milk</sup> producer,

(a) who has arranged with a distributor in the market to purchase his fluid milk; and

(b) who complies with the laws relating to the production, sanitation, handling and care of fluid milk,

shall

shall be entitled to supply fluid milk to the market and shall be bound by the agreement or award and every other matter relating to the marketing of fluid milk in the same manner as other producers supplying fluid milk to the market.

Persons  
entitled  
to distribute  
fluid milk

(2) Only the distributors in the market at the time the agreement or award was made shall be entitled to distribute fluid milk in the market, provided that any other distributor,

(a) who complies with the laws relating to the sanitation, weighing, handling and care of fluid milk;

(b) who has arranged for a supply of fluid milk; and

(c) who has obtained a licence as a distributor from the Board and a municipal licence where the same is required,

shall be entitled to distribute fluid milk in the market or the part thereof designated in his licence and shall be bound by the agreement or award and every other matter relating to the marketing of fluid milk in the same manner as other distributors in the market. R.S.O. 1950, c. 233, s. 10, *amended*.

Sale of  
fluid milk  
not pro-  
cessed in  
market

(3) Where an agreement or award is in effect in a market, no distributor shall sell or deliver to any person for resale in that market fluid milk processed outside that market except where the fluid milk sold or delivered was supplied by producers at a price not less than the highest price named in the agreement or award. 1952, c. 58, s. 4.

Where  
additional  
fluid milk  
required

**18.**—(1) If the distributors in any market require additional fluid milk to that provided for in the agreement or award, the producers or the marketing agency supplying the market shall, unless it is otherwise provided in the agreement or award, have the right of supplying the additional fluid milk required at the prices determined by the agreement or award, failing which the distributors may obtain elsewhere the additional fluid milk required at the prices determined by the agreement or award. R.S.O. 1950, c. 233, s. 11 (1); 1951, c. 50, s. 6 (1), *amended*.

Where  
additional  
fluid milk  
produced

(2) If the producers of the marketing agency supplying fluid milk to a market have additional fluid milk to that required to be supplied under the agreement or award, the distributors shall, unless it is otherwise provided in the agreement or award, have the right of purchasing the additional fluid milk at the prices determined by the agreement or award, failing which the producers may dispose of the additional fluid milk as they see fit. R.S.O. 1950, c. 233, s. 11 (2); 1951, c. 50, s. 6 (2), *amended*.

**19.**—(1) When the Minister receives from an association of milk producers who are engaged in supplying fluid milk to distributors in a market or markets a petition asking that for the purpose of defraying the expenses of such association every producer engaged in supplying fluid milk to distributors in such market be required to pay licence fees, the Minister, subject to the approval of the Lieutenant-Governor in Council, may, if he is of opinion that such association represents at least 66 per cent of the producers so engaged, make an order,

Establishment of fund for producers' associations

- (a) requiring every producer so engaged to pay licence fees to the association;
- (b) requiring the licence fees to be paid in different amounts or in instalments;
- (c) requiring every distributor who receives fluid milk from any such producer to deduct the amount of the licence fees of such producer from moneys payable to the producer and to pay such amount to the association; and
- (d) requiring the association to furnish to the Board such information and financial statements as the Board may determine. R.S.O. 1950, c. 233, s. 12; 1953, c. 63, s. 1, *amended*.

(2) Any such association may expend such fees for its purposes or for such purposes as The Milk Producers' Coordinating Board recommends. *New.*

Disposition of fund

**20.** Where one of the objects of a co-operative corporation under Part XII of *The Companies Act* is to engage in the transportation of fluid milk and the Board issues a certificate to the Minister of Highways that more than three-quarters of the shareholders or members of the corporation are producers supplying fluid milk to a market, no licence under *The Public Commercial Vehicles Act* shall be required by the corporation for the purpose of transporting such fluid milk to the market. R.S.O. 1950, c. 233, s. 13.

Transportation of fluid milk by producers co-operatives  
Rev. Stat., c. 59

Rev. Stat., c. 304

**21.**—(1) Any licence issued under this Part to a distributor may specify one or more areas in which the distributor may distribute fluid milk.

Distributors' licences may restrict area of distribution

(2) Where one or more areas are specified in a licence, the distributor to whom it is issued shall not distribute fluid milk in any area other than the area or areas so specified. R.S.O. 1950, c. 233, s. 14; 1953, c. 63, s. 2, *amended*.

Prohibition

## Regulations

**22.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,

- (a) designating classes of distributors; R.S.O. 1950, c. 233, s. 15 (1), cl. (a), *amended*.
- (b) defining areas and designating them as distribution areas; R.S.O. 1950, c. 233, s. 15 (1), cl. (b).
- (c) designating markets to be included in a group of markets for bargaining by producers and distributors; 1952, c. 58, s. 5, *part*.
- (d) providing for the issuing of licences by the Board to transporters and to the designated classes of distributors and fixing the licence fees payable therefor; R.S.O. 1950, c. 233, s. 15 (1), cl. (c), *amended*.
- (e) providing for the licensing of persons to operate pasteurization plants and the issue of such licences by the Board and fixing the licence fees payable therefor; *New*.
- (f) providing for the issuing of temporary licences by the administrative officer;
- (g) prescribing the form of licences and the terms and conditions upon which licences shall be issued, renewed, suspended or revoked; R.S.O. 1950, c. 233, s. 15 (1), cls. (d, e).
- (h) prohibiting the persons who are required to be licensed in respect of transporting or distributing fluid milk or the operation of a pasteurization plant from engaging in any such business except under the authority of a licence;
- (i) providing for the furnishing of security or proof of financial responsibility by distributors;
- (j) providing for the administration and disposition by the Board of bonds or any moneys recovered under any such bonds or any moneys or securities furnished as proof of financial responsibility by distributors; R.S.O. 1950, c. 233, s. 15 (1), cls. (f-h), *amended*.
- (k) prescribing the terms of payment for fluid milk purchased from producers;
- (l) prescribing the form of the by-laws of marketing agencies;



- (*m*) prescribing the conditions under which fluid milk shall be received, handled, transported, stored, delivered or supplied; R.S.O. 1950, c. 233, s. 15 (1), cls. (*i*, *k*, *l*).
- (*n*) regulating and prohibiting the purchasing and selling of fluid milk and the trafficking in fluid milk by transporters; *New*.
- (*o*) regulating and controlling transporters' routes from producers to distributors, or providing for the re-distribution of producers or distributors on such routes or adding producers or distributors to such routes;
- (*p*) prohibiting the sale of fluid milk by retailers and others at less than or more than the cost thereof and a reasonable margin for handling and profit; R.S.O. 1950, c. 233, s. 15 (1), cls. (*m*, *n*), *amended*.
- (*q*) providing for the purchase of fluid milk from producers on a quota basis; R.S.O. 1950, c. 233, s. 15 (1), cl. (*o*).
- (*r*) regulating delivery routes of distributors;
- (*s*) regulating retail deliveries of fluid milk or any class of fluid milk by distributors and regulating wholesale deliveries of fluid milk or any class of fluid milk by distributors;
- (*t*) prohibiting retail deliveries of fluid milk or any class of fluid milk by distributors on any day or days and prohibiting wholesale deliveries of fluid milk or any class of fluid milk by distributors on any day or days; R.S.O. 1950, c. 233, s. 15 (1), cl. (*q*), *amended*.
- (*u*) providing for the weighing, sampling and testing of fluid milk; R.S.O. 1950, c. 233, s. 15 (1), cl. (*r*).
- (*v*) prescribing and defining the classes of fluid milk and the minimum and maximum percentages of milk-fat, and the minimum percentage of total solids including milk-fat, in any class; 1952, c. 58, s. 5, *part*.
- (*w*) regulating and prohibiting the addition to or removal from fluid milk of any substance and regulating and prohibiting the sale of fluid milk or any class thereof to which any substance has been added or from which any substance has been removed; 1952, c. 58, s. 5, *part*, *amended*.



- (x) prescribing the types and sizes of containers that shall be used by distributors; R.S.O. 1950, c. 233, s. 15 (1), cl. (s).
- (y) respecting the advertising in respect of and the labelling of containers for any class of fluid milk; 1952, c. 58, s. 5, *part.*
- (z) requiring producers, transporters, distributors and persons who keep for sale or sell fluid milk to furnish to the Board such information or returns as the Board may determine; R.S.O. 1950, c. 233, s. 15 (1), cl. (t), *amended.*
- (za) prescribing the books and records that shall be kept by licensees under this Part and providing for the inspection of such books and records by auditors appointed by the Board;
- (zb) prescribing the powers and duties of field-men and inspectors;
- (zc) exempting any person or class of persons from this Part or the regulations or any part thereof;
- (zd) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. R.S.O. 1950, c. 233, s. 15 (1), cls. (u-x).

Expressions  
defined in  
regulations

(2) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of the regulations. *New.*

Regulations  
may be  
limited

(3) Any regulation made under this section may be limited as to time or place, or both. R.S.O. 1950, c. 233, s. 15 (2), *amended.*

Penalties

**23.** Every person who violates any of the provisions of this Part or the regulations, or any order, agreement or award made under this Part shall be guilty of an offence and on summary conviction shall be liable for a first offence to a penalty of not less than \$25 and not more than \$50 and for a subsequent offence to a penalty of not less than \$50 and not more than \$500. R.S.O. 1950, c. 233, s. 16.

Injunction  
proceedings

**24.—**(1) Where it is made to appear from the material filed or evidence adduced that any offence against this Part or the regulations or any order, agreement or award made under this Part has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Board, enjoin any transporter or distributor from carrying

on business as a transporter or distributor, absolutely, or for such period as seems just, and any injunction shall *ipso facto* cancel the licence of the transporter or distributor named in the order during the same period. R.S.O. 1950, c. 233, s. 17 (1), *amended*.

(2) The application under subsection 1 may be made without any action being instituted either, Application  
may be  
*ex parte*

- (a) by an *ex parte* motion for an interim injunction which shall, if granted, remain in full force for ten days from the date thereof unless the time is extended or the originating motion mentioned in clause *b* is sooner heard and determined; or
- (b) by an originating notice of motion which, if an interim injunction has been granted, shall be served within five days and be returnable within ten days from the date of such interim injunction. R.S.O. 1950, c. 233, s. 17 (2).

### PART III

#### MILK PRODUCTS

#### 25. In this Part,

Interpre-  
tation

- (a) "Board" means The Milk Products Board of Ontario; *New.*
- (b) "cheese factory" means any building or premises where milk is regularly brought for the purpose of being manufactured into cheese;
- (c) "combined plant" means any building or premises where milk or cream is regularly brought for the purpose of being manufactured into two or more milk products;
- (d) "creamery" means any building or premises where milk or cream is regularly brought for the purpose of being manufactured into creamery butter; R.S.O. 1950, c. 86, s. 1, cls. (a-c), *amended*.
- (e) "inspector" means an inspector appointed under this Part; R.S.O. 1950, c. 86, s. 1, cl. (f), *amended*.
- (f) "licence" means a licence under this Part;
- (g) "local board" means a local board constituted under a marketing plan; R.S.O. 1950, c. 131, s. 1, cls. (c, d).

(h)

- (h) "marketing" includes advertising, assembling, buying, financing, packing, selling, transporting, shipping for sale or storage and offering for sale, but does not include buying and selling by retail except where the buying is done by a central organization and the selling by retail is done through more than five outlets; R.S.O. 1950, c. 131, s. 1, cl. (e); 1951, c. 25, s. 1, *amended*.
- (i) "marketing plan" means a marketing plan that is in force under this Part; R.S.O. 1950, c. 131, s. 1, cl. (i), *amended*.
- (j) "milk receiving station" means any building or premises where milk is brought for the purpose of being transported to a cheese factory, combined plant, creamery, milk separating plant or processing plant; 1952, c. 17, s. 1 (3), *amended*.
- (k) "milk separating plant" means any building or premises where milk is brought for the purpose of removing the cream from the milk; R.S.O. 1950, c. 86, s. 1, cl. (h), *amended*.
- (l) "plant" means cheese factory, combined plant, creamery, milk receiving station, milk separating plant and processing plant; R.S.O. 1950, c. 86, s. 1, cls. (j, k), *amended*.
- (m) "processing plant" means any building or premises where milk or cream is regularly brought for the purpose of being manufactured into any milk product other than butter and cheese; *New*.
- (n) "processor" means a person engaged in the business of manufacturing milk products; R.S.O. 1950, c. 233, s. 1, cl. (m), *amended*.
- (o) "producer" means a person engaged in the production of milk or cream for use in the manufacture of a milk product; *New*.
- (p) "regulated product" means a milk product in respect of which a marketing plan is in force;
- (q) "regulations" means regulations made under this Part;
- (r) "transporter" means a person engaged in the business of transporting milk or cream from a producer to a processor. R.S.O. 1950, c. 233, s. 1, cl. (o), *part, amended*.

**26.**—(1) There shall be a board to be known as “The Milk <sup>Board</sup> Products Board of Ontario” which shall be a body corporate.

(2) The Board shall consist of one or more persons appointed <sup>Members</sup> by the Lieutenant-Governor in Council.

(3) Where more than one member is appointed, the <sup>Chairman</sup> Lieutenant-Governor in Council may designate one of the members as chairman.

(4) Where the Board consists of more than two members, <sup>Quorum</sup> a majority constitutes a quorum. *New.*

#### MARKETING

**27.**—(1) The Board may,

<sup>Authority  
of Board</sup>

(a) investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers and processors, transporters or distributors of any regulated product;

(b) investigate the cost of producing and transporting milk for manufacturing into regulated products or the cost of processing or distributing any regulated product, prices, price spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing of such milk or regulated products; R.S.O. 1950, c. 131, s. 3 (1), cls. (a, b), *amended*.

(c) exempt from any marketing plan or any order of the Board or any agreement or award filed with the Board any class, variety, grade or size of regulated product, or any person or class of persons engaged in the marketing of any regulated product or any class, variety, grade or size of regulated product;

(d) require persons engaged in the producing of milk or cream for manufacture into a regulated product or marketing of a regulated product to register their names, addresses and occupations with the Board, require such persons to furnish such information in regard to such milk or cream or regulated product as the Board may determine, and inspect the books and premises of such persons; R.S.O. 1950, c. 131, s. 3 (1), cls. (e, f), *amended*.

(e) authorize any marketing agency appointed under a marketing plan to conduct a pool or pools for the distribution of all moneys received from the sale

of

of milk or cream for manufacturing into a regulated product and requiring any such marketing agency, after deducting all necessary and proper disbursements and expenses, to distribute the proceeds of sale in such a manner that each person receives a share of the total proceeds in relation to the amount and grade of milk or cream delivered by him and to make initial payment on delivery of the milk or cream and subsequent payments until the total net proceeds are distributed; 1951, c. 25, s. 2 (2), *amended*.

(f) authorize any local board,

(i) to exempt from any marketing plan or any order of the local board any class, variety, grade or size of regulated product, or any person or class of persons engaged in the marketing of any regulated product or any class, variety, grade or size of regulated product,

(ii) to require persons engaged in the producing of milk or cream for manufacture into a regulated product or in the marketing of a regulated product to register their names, addresses and occupations with the local board, to require such persons to furnish such information in regard to such milk or cream or regulated product as the local board may determine, and to inspect the books and premises of such persons; provided that where a person engaged in the producing of such milk or cream or marketing of such regulated product is required to register with a local board, the Board shall not require him to register with the Board;

(g) require the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product; R.S.O. 1950, c. 131, s. 3 (1), cls. (g, h), *amended*.

(h) provide for the administration and disposition of any moneys or securities furnished as proof of financial responsibility; R.S.O. 1950, c. 131, s. 7 (1), cl. (i).

(i) refuse to grant a licence for any reason which the Board may deem sufficient;

(j) prohibit the marketing of any variety, grade or size of any regulated product;

(k)



(*k*) fix shipping quotas and establish shipping quota committees for milk or cream for manufacture into a regulated product or for any regulated product;

(*l*) suspend, revoke or refuse to renew any licence for failure to observe, perform or carry out any of the provisions of this Part, the regulations, any marketing plan or any order or direction of the Board; provided that in every such case the applicant shall be afforded an opportunity of appearing before the Board to show cause why such licence should not be suspended or revoked or why such renewal should not be refused, as the case may be;

(*m*) by such means as it may deem proper, stimulate, increase and improve the marketing of milk or milk products; R.S.O. 1950, c. 131, s. 3 (1), cls. (*i, k-n*), *amended*.

(*n*) exercise such powers and perform such duties as may be vested in or imposed upon it by or under any Act of the Parliament of Canada;

(*o*) co-operate with a marketing board or a local board of any other province for the purpose of marketing any regulated product; 1951, c. 25, s. 2 (2), *part*.

(*p*) do such acts and make such orders and directions as are necessary to enforce the due observance and carrying out of the provisions of this Part, the regulations and any marketing plan. R.S.O. 1950, c. 131, s. 3 (1), cl. (*c*).

(2) Upon any investigation under this section, the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers of investigation  
Rev. Stat.,  
c. 308

(3) The Board may delegate to a local board such of its powers under this section as it deems necessary, and may, at any time, terminate such delegation of power. Delegation  
of powers

(4) The Board may require a local board to furnish such information with respect to milk or cream for the manufacture of any regulated product or with respect to any regulated product that is regulated by the marketing plan under which the local board is constituted. Information

(5) Every local board shall be a body corporate. R.S.O. 1950, c. 131, s. 3 (2-5), *amended*. Local board  
to be body  
corporate

Certain  
local boards  
continued  
Rev. Stat.,  
c. 131

**28.** The local boards constituted under *The Farm Products Marketing Act* and known as The Ontario Cheese Producers' Marketing Board, The Ontario Cream Producers' Marketing Board and The Ontario Concentrated Milk Producers' Marketing Board are continued as local boards under this Part. *New.*

Approval of  
marketing  
plan

**29.**—(1) Where the Board receives from any group of producers a petition or request asking that a marketing plan for the marketing or regulating of milk or cream for manufacture into a milk product and for the marketing or regulating of the milk product, including the establishment of a local board, be adopted, and the petition or request is made by producers representing at least 10 per cent of all producers engaged in the production of milk or cream for manufacture into the milk product within Ontario or that part of Ontario to which the proposed marketing plan is to apply, the Board shall submit to a vote of the producers the question of the approval of the marketing plan.

Submission  
of question  
of approval  
of market-  
ing plan

(2) Where the question of the approval of a marketing plan is submitted to a vote, the Board may recommend the adoption of the marketing plan if the percentage of the producers voting in favour of the establishment of the marketing plan is not less than such percentage of all producers eligible to vote as the regulations prescribe.

Resubmis-  
sion of  
question,  
limitation

(3) Where the question of the approval of a marketing plan has been submitted to the producers and the percentage of producers voting in favour is less than that required under subsection 2, no further question of the approval of such marketing plan shall be submitted to the producers within two years from the date of such submission. R.S.O. 1950, c. 131, s. 4 (1), *amended.*

Authoriza-  
tion to  
conduct pool

**30.** The Board may authorize a marketing agency to conduct a pool or pools under a marketing plan if the question of such authorization is submitted to a vote of producers engaged in the production of milk or cream for manufacture into the milk product within Ontario or that part of Ontario to which the marketing plan applies or the proposed marketing plan is to apply, as the case may be, and the percentage of the producers voting in favour of the authorization is not less than such percentage of all producers eligible to vote as the regulations prescribe. *New.*

Approval of  
marketing  
plan

**31.**—(1) The Lieutenant-Governor in Council may,

(a) approve any marketing plan with such variations as he may deem proper and declare it to be in force in Ontario or any part thereof; 1951, c. 25, s. 3.

(b)

- (b) amend any approved marketing plan as he may deem proper; R.S.O. 1950, c. 131, s. 4 (2), cl. (b).
- (c) give to any local board any or all of the powers set out in sections 23 and 24 of *The Companies Act*; <sup>Rev. Stat., c. 59</sup> and
- (d) dissolve a local board on such terms and conditions as he may deem proper. 1951, c. 25, s. 3.

(2) The Lieutenant-Governor in Council may make <sup>By-laws</sup> regulations prescribing by-laws for regulating and governing the conduct of the affairs of local boards. R.S.O. 1950, c. 131, s. 4 (3).

**32.**—(1) The Board may establish in connection with any <sup>Negotiating agencies</sup> marketing plan price negotiating agencies which may adopt or determine by agreement or award,

- (a) minimum prices,
  - (i) for milk or cream for manufacture into a regulated product or any class, variety, grade or size of regulated product, or
  - (ii) for any regulated product or any class, variety, grade or size of regulated product; or
- (b) terms of purchase and sale of milk or cream for manufacture into a regulated product and of any regulated product;
- (c) charges for marketing any milk or cream for manufacture into a regulated product and for any regulated product or for any class, variety, grade or size of a regulated product;
- (d) forms of contracts and conditions therein for the purchase and sale of milk or cream for manufacture into a regulated product and for the purchase and sale of any regulated product. 1953, c. 36, s. 1 (1), *amended*.

(2) Every agreement or award made under subsection 1, <sup>Agreement or award</sup>

- (a) shall be filed forthwith after the making thereof <sup>filing</sup> with the Board and shall come into force on the day it is so filed or on such later day as may be named in the agreement or award and, subject to clause b, shall remain in force for one year or for such period as is provided in the agreement or award; and

(b)

re-negotia-  
tion

- (b) may, at any time upon the application to the Board of all parties thereto, be re-negotiated in such manner as the Board may determine with respect to any terms of the agreement or award. 1953, c. 36, s. 1 (3), *amended*.

Penalty

**33.** Every person who violates any of the provisions of this Part or the regulations, or of any marketing plan, or of any order or direction of the Board or of any local board, or of any agreement or award filed with the Board, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$50 and for a subsequent offence to a penalty of not less than \$50 and not more than \$500. R.S.O. 1950, c. 131, s. 5, *amended*.

Failure to  
pay  
minimum  
price

**34.—(1)** Every person who fails to pay at least the minimum price established in any agreement or award filed with the Board for milk or cream for manufacture into a regulated product or for any regulated product, in addition to the penalty provided for in section 33, shall be liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or part payment for such milk or cream or regulated product.

Distribu-  
tion of  
penalty  
recovered

(2) The penalties imposed under this section shall be paid to the Board and the Board may distribute the money so received *pro rata* among the persons who failed to receive at least the minimum price, or the Board may, subject to the approval of the Minister, pay the money so received to the Treasurer of Ontario and it shall form part of the Consolidated Revenue Fund. R.S.O. 1950, c. 131, s. 6, *amended*.

Regulations

**35.** Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,

- (a) regulating and controlling the marketing of milk or cream for manufacture into regulated products and of regulated products;
- (b) designating an agency engaged in any phase of marketing through which milk or cream for manufacture into a regulated product or a regulated product shall be marketed and requiring such milk or cream or regulated product to be marketed through such agency subject to the determinations of any negotiating agency established in connection with the marketing plan under which such milk or cream or regulated product is marketed;

(c)

- (c) providing for the licensing by the Board of persons engaged in the production of milk or cream for manufacture into a regulated product or in the marketing of any regulated product and fixing the licence fees payable by such persons;
- (d) providing for the payment of licence fees in different amounts or in instalments;
- (e) providing that any class of licence fees shall be payable to a local board to be used by it for the purpose of carrying out and enforcing the provisions of this Part, the regulations and the marketing plan under which the local board is established or for such purposes as The Milk Producers' Co-ordinating Board recommends;
- (f) providing for the making of returns or the furnishing of information by any person licensed under this Part;
- (g) providing for the carrying out of any marketing plan;
- (h) prescribing the manner of taking votes of producers and the percentages of votes required under sections 29 and 30;
- (i) exempting any person or class of persons from the regulations or any portion thereof;
- (j) designating any product as a milk product;
- (k) prescribing forms for use under this Part;
- (l) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. R.S.O. 1950, c. 131, s. 7, *amended*.

#### CONSTRUCTION AND OPERATION OF PLANTS

**36.**—(1) No person shall construct or alter any building intended for use as a plant without a permit from the Board. Permit for construction of plants

(2) No person shall alter a plant, the operation of which is licensed under this Part, without a permit from the Board. Alteration of plant

(3) No permit shall be issued by the Board, Condition for issue of permit

(a) unless in the opinion of the Board the plant is necessary and desirable having regard to the needs

of



of the producers in the locality in which it is proposed to locate the plant and the facilities of the existing plants in operation; and

- (b) unless the proposed plant complies with the regulations. R.S.O. 1950, c. 86, s. 2, *amended*.

Licence to  
operate  
plant

**37.** No person shall operate a plant without a licence therefor from the Board. R.S.O. 1950, c. 86, s. 3, *amended*.

#### INSPECTION

Inspectors

**38.** The Lieutenant-Governor in Council may appoint such inspectors as he deems necessary for the administration and enforcement of this Part and the regulations. R.S.O. 1950, c. 86, s. 7, *amended*.

Powers and  
duties

**39.**—(1) Every inspector may,

- (a) enter any premises or conveyance used for the manufacture, storage or carriage of any milk product and inspect any milk or milk product found therein;
- (b) stop any conveyance that he believes to contain any milk or cream for manufacture into a milk product or any milk product and inspect the conveyance and any such milk or cream or milk product found therein;
- (c) obtain a sample of any milk or cream for manufacture into a milk product or of any milk product at the expense of the owner for the purpose of making an inspection thereof. R.S.O. 1950, c. 86, s. 8 (1), *amended*.

Records

(2) Every person shall when required by an inspector produce any books, shipping bills, bills of lading or other records relating to any milk or cream for manufacture into a milk product or to any milk product and furnish such copies of extracts of any such records as the inspector requires. R.S.O. 1950, c. 86, s. 9 (2), *amended*.

Obstructing  
inspector

(3) No person shall obstruct an inspector in the performance of his duties or furnish him with false information. R.S.O. 1950, c. 86, s. 2, *amended*.

Cream  
receiving  
stations

**40.** No person shall own or operate any place, other than a creamery, where cream is received or purchased for the purpose of being transported or forwarded to a creamery unless such place is approved by the Board, and no person

shall

shall deliver cream to or accept cream from any such place unless it is approved by the Board. R.S.O. 1950, c. 86, s. 6, *amended*.

#### STANDARDS OF QUALITY AND COMPOSITION

**41.** Subject to the regulations, all milk and cream received at a plant shall be paid for on the basis of its milk-fat content. <sup>Basis of payment for milk</sup> R.S.O. 1950, c. 86, s. 10, *amended*.

**42.** Subject to the approval of the Lieutenant-Governor <sup>Regulations</sup> in Council, the Board may make regulations,

- (a) providing for the issue and renewal of licences for the operation of any class of plant and fixing the fees payable therefor;
- (b) prescribing the terms and conditions upon which licences shall be issued; R.S.O. 1950, c. 86, s. 11, cl. (a), *amended*.
- (c) providing for the submission of drawings and specifications for the construction or alteration of a building intended for use as a plant and for the alteration of a plant the operation of which is licensed under this Part; *New*.
- (d) prescribing the methods of construction or alteration of a building intended for use as a plant and the materials that shall be used for the construction or alteration; R.S.O. 1950, c. 86, s. 11, cl. (k), *amended*.
- (e) prescribing the location of plants, the equipment that shall be used in connection with plants and the sanitary requirements for plants; R.S.O. 1950, c. 86, s. 2 (2), *amended*.
- (f) providing for the issue of permits for the construction or alteration of a building intended for use as a plant and for the alteration of a plant the operation of which is licensed under this Part and prescribing the terms and conditions therefor. R.S.O. 1950, c. 86, s. 2 (1), *part, amended*.
- (g) establishing classes of buttermakers, cheesemakers, milk and cream testers and milk and cream graders;
- (h) providing for the examination and re-examination of persons applying for certificates for any class of buttermaker, cheesemaker, milk and cream tester or milk and cream grader;

- (i) prescribing the qualifications for persons who may be issued certificates;
- (j) providing for the issue and renewal of certificates and fixing the fees payable therefor and providing for the suspension and revocation of certificates and prescribing the terms and conditions therefor; 1952, c. 17, s. 4 (1), *amended*.
- (k) providing for the issue of temporary certificates; *New*.
- (l) providing for the identification and labelling of containers used for transporting milk or cream for manufacture into a milk product and regulating the use of such containers; 1952, c. 17, s. 4 (3), *part, amended*.
- (m) regulating the transportation of milk or cream for manufacture into a milk product including the time thereof; R.S.O. 1950, c. 86, s. 11, cl. (d), *amended*.
- (n) establishing classes of milk products;
- (o) establishing grades for milk and cream and for milk products or any class thereof; R.S.O. 1950, c. 130, s. 2 (1), cl. (a), *amended*.
- (p) providing for the manner of payment and the payment of premiums and differentials for any grade of milk and cream for manufacture into a milk product;
- (q) providing for the selecting, grading, rejecting, weighing, sampling, testing and pasteurizing of milk and cream brought to plants; R.S.O. 1950, c. 86, s. 11, cl. (b); 1952, c. 17, s. 4 (2), *amended*.
- (r) prescribing the tests, procedures to be followed and the equipment to be used respecting the testing for milk-fat content of milk and cream and for quality of milk and cream;
- (s) providing for the identification and labelling of containers used for samples of milk and cream for the purpose of making tests;
- (t) providing for the addition of food colouring to milk and cream rejected at a plant; 1952, c. 17, s. 4 (3), *part, amended*.

- (u) providing for the settlement of disputes in connection with the weighing, grading, sampling and testing of milk and cream and the payment for milk and cream; R.S.O. 1950, c. 86, s. 11, cl. (m), *amended*.
- (v) providing for the keeping of records at plants or any class of plant and the period for which such records shall be kept and the issue of statements to producers; 1952, c. 17, s. 4 (3), *part, amended*.
- (w) regulating the methods of and the equipment used in manufacturing any milk product; R.S.O. 1950, c. 86, s. 11, cl. (h), *amended*.
- (x) providing for the standards of quality for and the composition of any milk product; 1952, c. 17, s. 4 (3), *part, amended*.
- (y) providing for the inspection, grading, packing, marking, handling, shipping, transporting, advertising, purchasing and selling of any milk product;
- (z) prescribing the manner in which processors, sellers, transporters and shippers of milk products shall identify, for purposes of grading, individual lots in any shipment; R.S.O. 1950, c. 130, s. 2 (1), cls. (b, c) *amended*.
- (za) providing for sanitary standards and requirements for buildings and premises in which milk products are manufactured, stored, graded or packed; R.S.O. 1950, c. 130, s. 2 (1), cl. (j), *amended*.
- (zb) providing for the issue of grading certificates by inspectors; R.S.O. 1950, c. 130, s. 2 (1), cl. (h), *amended*.
- (zc) establishing classes of inspectors and prescribing the powers and duties of inspectors or any class thereof;
- (zd) providing for the detention and confiscation of any milk or cream or milk product that does not comply with this Part and the regulations; *New*.
- (ze) exempting from this Part or the regulations or any part thereof any plant, person or group of persons, milk product or any class, variety or grade of milk product; 1952, c. 17, s. 4 (3), *part, amended*.

(zf)

(zf) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. 1952, c. 17, s. 4 (3), *part*.

Expressions  
defined in the  
regulations

**43.**—(1) Any word or expression used in this Part or in the regulations may be defined in the regulations for the purposes of the regulations. *New*.

Regulations  
may be  
limited

(2) Any regulation made under this Part may be limited as to time or place or both. R.S.O. 1950, c. 130, s. 2 (2), *amended*.

## PART IV

### MUNICIPAL BY-LAWS

Interpre-  
tation

**44.** In this Part,

- (a) “municipality” means a city, town, village, township or improvement district;
- (b) “vendor” means a person who sells fluid milk for human consumption to the consumer and a person other than a producer who sells fluid milk for human consumption to any person for re-sale. 1952, c. 57, s. 1, *amended*.

By-laws

**45.**—(1) The council of any municipality may pass by-laws for licensing, regulating and governing vendors, and for revoking any such licence. 1952, c. 57, s. 2.

Not to be  
sold without  
a licence

(2) No person shall sell fluid milk in a municipality in which any such by-law is in force without a licence therefor under this Part. R.S.O. 1950, c. 232, s. 3 (2), *amended*.

By-laws  
prescribing  
hours of  
delivery

**46.** The council of any municipality may pass by-laws prescribing the hours during which fluid milk may be delivered by vendors within the municipality. R.S.O. 1950, c. 232, s. 4, *amended*.

Municipal  
inspectors

**47.**—(1) The council of any municipality may by by-law appoint one or more inspectors for the enforcement of this Part and any by-law.

Powers

(2) An inspector,

- (a) may prohibit the sale within the municipality for which he is inspector of fluid milk for human consumption which, in his judgment, is produced or handled contrary to this Act or any by-law;

(b)



- (b) may inspect the premises of every vendor licensed to sell fluid milk within the municipality to ensure that the requirements of this Act and of any by-law are complied with, and may take samples of fluid milk for examination and testing;
- (c) may enter the premises, wherever located, of any person producing milk or cream for sale or consumption within the municipality, inspect the milk or cream and take samples thereof for examination and testing and inspect the water supplied to cows or used in cleaning dairy utensils on such premises and take samples thereof for examination and testing;
- (d) may inspect and take samples of milk or cream for sale or consumption within the municipality while in transit.

(3) The result of all such tests shall be open to public <sup>Publication of tests</sup> inspection at all reasonable times and may be published by the medical officer of health of the municipality. R.S.O. 1950, c. 232, s. 6, *amended*.

**48.** The council of any municipality may establish and maintain or assist by annual grant or otherwise in the establishment and maintenance of milk depots <sup>Municipal milk depots</sup> in order to furnish a special supply of milk to infants. R.S.O. 1950, c. 232, s. 10, *amended*.

**49.** Every person who contravenes or fails to comply with any of the provisions of this Part or of any by-law passed under this Part shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100. R.S.O. 1950, c. 232, s. 11, *amended*. <sup>Penalty</sup>

## PART V

### GENERAL

**50.** All regulations heretofore made under *The Dairy Products Act* and *The Milk Control Act* that are in force on the day this Act comes into force shall, except in so far as they are inconsistent with this Act, be deemed to have been made under Part III and Part II of this Act respectively. <sup>Continuation of regulations</sup>

**51.** O. Reg. 100/51 as amended by O. Reg. 17/54, O. Reg. 101/51 as amended by O. Reg. 308/52, O. Reg. 146/53 and O. Reg. 18/54, O. Reg. 102/51 as amended by O. Reg. 309/52, O. Reg. 19/54 and O. Reg. 31/54, Regulations 98 and 99 of Consolidated Regulations of Ontario, 1950 and O. Reg. 40/54, O. Reg. 41/54 and O. Reg. 42/54 shall, except in so far as they are inconsistent with this Act, be deemed to have been made under Part III of this Act. <sup>Idem</sup>

Agreement  
and awards  
under  
Rev. Stat.,  
c. 233

**52.** Every agreement and award made under *The Milk Control Act* and filed with The Milk Control Board of Ontario that are in force on the day this Act comes into force shall be deemed to have been made and filed with The Milk Control Board of Ontario under Part II of this Act.

Repeal

**53.** The following are repealed:

Rev. Stat.,  
c. 86

1. *The Dairy Products Act.*

1952, c. 17

2. *The Dairy Products Amendment Act, 1952.*

Rev. Stat.,  
c. 232

3. *The Milk and Cream Act.*

1952, c. 57

4. *The Milk and Cream Amendment Act, 1952.*

Rev. Stat.,  
c. 233

5. *The Milk Control Act.*

1951, c. 50

6. *The Milk Control Amendment Act, 1951.*

1951, c. 83,  
s. 5

7. Section 5 of *The Statute Law Amendment Act, 1951.*

1952, c. 58

8. *The Milk Control Amendment Act, 1952.*

1953, c. 63

9. *The Milk Control Amendment Act, 1953.*

Commence-  
ment

**54.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**55.** This Act may be cited as *The Milk Industry Act, 1954.*

## CHAPTER 53

## An Act to amend The Mining Act

*Assented to April 6th, 1954**Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 19 of *The Mining Act* is repealed.

Rev. Stat.,  
c. 236, s. 19,  
repealed

**2.** Subsection 3 of section 62 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 236, s. 62,  
subs. 3,  
re-enacted

(3) The dispute shall contain or have endorsed upon it an address in Ontario at which the disputant may be served with any notice or document relating to the dispute, and any such notice or document is sufficiently served upon the disputant if it is left with a grown-up person at such address or, where no such person can there be found, if sent by registered letter addressed to the disputant at such address.

Address for  
service

(3a) If no address for service is given as required by subsection 3, any notice or document referred to therein may be served upon the disputant by posting up a copy thereof in the recorder's office.

Idem

**3.** Section 63 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 236, s. 63,  
re-enacted

63. Where a claim has been on record for sixty or more days and,

Certificate  
of record

- (a) if no dispute is standing against the claim; and
- (b) if the recorder is satisfied that the requirements of the Act have been met; and
- (c) if the surface rights compensation, if any, has been paid or secured; and
- (d) if the plans of survey are filed and approved where required under section 105 or 106; and
- (e) upon payment of the prescribed fee,

the

the recorder shall issue a certificate of record in the prescribed form.

Rev. Stat.,  
c. 236, s. 66,  
amended      **4.** Section 66 of *The Mining Act* is amended by adding thereto the following subsection:

Taxation

- (2) The holder of an unpatented mining claim shall not be liable to assessment or taxation for municipal or school purposes in respect of such unpatented mining claim.

Rev. Stat.,  
c. 236,  
amended      **5.** *The Mining Act* is amended by adding thereto the following section:

Townsites on  
unpatented  
claims

- 70a.—(1) Where the Minister recommends the establishment of a townsite on an unpatented mining claim, the Lieutenant-Governor in Council may reserve the surface rights on any such claim or parts of any such claim as may be necessary for townsite purposes.

Regulations

- (2) The Lieutenant-Governor in Council on the recommendation of the Minister may make such regulations as he deems necessary for the better carrying out of this section.

Rev. Stat.,  
c. 236, s. 81,  
amended      **6.** Section 81 of *The Mining Act* is amended by adding thereto the following subsection:

Shaft  
sinking,  
etc.

- (9) Shaft sinking, drifting or other lateral work that is at least ten feet below the surface and the opening of which is at least five feet by seven feet shall count as work at the rate of four days work in respect of each man employed in such work for each day of such employment.

Rev. Stat.,  
c. 236, s. 89  
(1953,  
c. 64, s. 7),  
subs. 1,  
re-enacted      **7.** Subsection 1 of section 89 of *The Mining Act*, as re-enacted by section 7 of *The Mining Amendment Act, 1953*, is repealed and the following substituted therefor:

Relief  
against  
forfeiture

- (1) Where forfeiture or loss of rights occurs under subsection 4 of section 61 or under subsection 1 of section 88 and,
- (a) where the licence of the claim holder has expired, the Judge may make an order upon such terms as he considers just relieving the claim from forfeiture and authorizing a special renewal of the licence on payment of twice the prescribed fee; or
- (b) where the prescribed work is not performed within the time stipulated in subsection 1 of

section 80,

section 80, the Judge, within six months of the forfeiture, may make an order upon such terms as he considers just relieving the claim from forfeiture and extending the time for performing the work, but not more than one order shall be made in respect of the work required to be performed within one year immediately following the recording of the claim and not more than one order shall be made in respect of the performance of work required to be done in each succeeding period thereafter, nor shall any such order be extended; or

- (c) where the report of work is not filed within the time prescribed in subsection 3 of section 80, the Judge, within six months of the forfeiture, may make an order upon such terms as he considers just relieving the claim from forfeiture and authorizing the filing of a proper report of work; or
- (d) where application and payment for the patent or lease are not made within the time prescribed in subsection 2 of section 97, the Judge, within six months of the forfeiture, may make an order upon such terms as he considers just relieving the claim from forfeiture and extending the time for applying and paying for the patent or lease, but in no case shall the time for so doing be extended beyond five years of the time prescribed in subsection 2 of section 97.

**8.** Subsection 4 of section 129 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 236, s. 129  
subs. 4,  
re-enacted

- (4) The notice of appeal shall contain or have endorsed upon it an address in Ontario at which the appellant may be served with any notice or document relating to the appeal, and any such notice or document is sufficiently served upon the appellant if it is left with a grown-up person at such address or, where no such person can there be found, if sent by registered letter addressed to the appellant at such address.

Address for  
service

**9.**—(1) Clause *a* of rule 152 of section 162 of *The Mining Act* is amended by striking out all the words in the ninth to the nineteenth lines and inserting in lieu thereof the following:

Rev. Stat.,  
c. 236, s. 162,  
rule 152,  
cl. *a*,  
amended



3 bells. .... Men travelling in hoisting conveyance (Cautionary Signal). This signal shall be given by the conveyance tender at all levels before any person, including the conveyance tender, is permitted to enter or leave the conveyance. Where a stop exceeds one minute, the 3-bell signal shall precede the next directionary signal. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before any person is permitted to enter or leave the conveyance.

Rev. Stat.,  
c. 236, s. 162,  
rule 227,  
amended

(2) Rule 227 of the said section 162 is amended by adding thereto the following clauses:

- (c) All intercoolers, aftercoolers, inlet and discharge valves on stationary compressors in operation shall be examined at least once in every twelve months and shall be cleaned when necessary.
- (d) A temperature-indicating device shall be installed on the high pressure discharge of each compressor. The normal operating temperature shall be indicated by a red mark on the scale. The temperature shall be recorded at least once a shift.
- (e) Clauses *c* and *d* do not apply to portable compressors, compressors discharging to atmosphere, stationary compressors of less than 500 c.f.m. capacity, compressors with a normal discharge temperature of less than 250°F., or compressors where the cylinders are not lubricated with oil.
- (f) All air receivers on surface shall be examined at least once in every twelve months and shall be cleaned when necessary.
- (g) A book shall be kept in which shall be recorded the date of every examination and cleaning under clauses *c* and *f* and a note shall be made as to the condition of the appliance examined or cleaned.

Rev. Stat.,  
c. 236, s. 195,  
subs. 5, 6,  
re-enacted

**10.** Subsections 5 and 6 of section 195 of *The Mining Act* are repealed and the following substituted therefor:

Rights  
conferred to  
run with  
lands

- (5) (a) This section applies to and against all patented and unpatented lands and the word "lands" in this section includes any right or interest in lands.

Idem

- (b) Subject to any change therein or rescission thereof by subsequent order or judgment of the Court, all rights and benefits created by any order or judgment

of the Judge heretofore or hereafter made under this section shall run with and be appurtenant and incident to the lands thereby benefited and all burdens and obligations created or imposed by any such order or judgment shall run with and be binding on all lands in respect of which they are created or imposed and such order or judgment shall continue valid and binding in respect of all lands thereby affected notwithstanding forfeiture thereof by the Crown or sale thereof because of unpaid taxes, it being expressly declared that the Crown or any municipality or any person acquiring such lands is bound by such order or judgment in the same manner and to the same extent as the owner thereof at the time such order or judgment was made.

- (c) Every such order or judgment shall contain proper <sup>Idem</sup> descriptions of the lands thereby benefited and of all other lands thereby affected sufficient for purposes of registration, and there shall be attached thereto a plan or plans showing clearly the lands thereby benefited and all other lands thereby affected.
- (6) (a) Notice of hearing of all applications under this <sup>Notice</sup> section shall be given to the Minister in the same manner as notice to any other interested person.
- (b) Copies of orders and judgments made under this <sup>Copy to be filed with Minister</sup> section certified to be true copies under the hand of the registrar and seal of the Court shall be immediately filed by the applicant with the Minister and in the office of the recorder of the division in which the lands affected are situate, and if any patented lands are thereby affected, a copy of such order or judgment so certified shall be filed in the office of land titles or registry office for the district in which the same are situate.
- (c) The recorder or local master of titles or registrar, <sup>Particulars to be entered</sup> as the case may be, shall enter particulars of such order or judgment against the titles of the lands thereby affected.
- (d) Where unpatented mining claims affected by any <sup>Where Department to send copy</sup> such order or judgment are subsequently patented or leased, a copy of such order or judgment so certified shall be sent to the land titles office by the Department with the grant or lease.
- (e) Unless such order or judgment is so filed in the land <sup>Failure to file</sup> titles office or registry office for the district in which the lands are situate, a purchaser for value without notice of patented lands affected by any such order or judgment shall not be bound thereby.

Rev. Stat.,  
c. 236,  
Sched.,  
item 16,  
repealed

**11.** Item 16 of the Schedule to *The Mining Act* is repealed.

Short title

**12.** This Act may be cited as *The Mining Amendment Act*, 1954.

## CHAPTER 54

**An Act to amend The Minors' Protection Act***Assented to April 6th, 1954**Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Minors' Protection Act* is repealed and the following substituted therefor:
 

Rev. Stat.,  
c. 238, s. 3,  
subs. 2,  
re-enacted
- (2) Where there is a juvenile and family court with jurisdiction, prosecutions under this Act shall be tried in that court.
 

Primary  
jurisdiction  
in juvenile  
and family  
court
- (3) A person who appears to the judge or magistrate, as the case may be, to be under eighteen years of age shall be deemed to be under that age unless it is found that he is in fact over that age.
 

Presumption  
as to age
2. This Act may be cited as *The Minors' Protection Amendment Act, 1954*.
 

Short title





## CHAPTER 55

**An Act to amend  
The Mothers' Allowances Act, 1952**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsections 3 and 4 of section 2 of *The Mothers' Allowances Act, 1952* are repealed and the following substituted therefor:

1952,  
c. 62, s. 2,  
subs. 3,  
re-enacted;  
subs. 4,  
repealed

(3) No allowance shall be paid under this Act in respect of a child under eighteen years of age, other than a child coming within subsection 5 or under school age, unless the child is attending school or is on vacation from school and the Director is satisfied that the child will return to school at the end of the vacation period.

Allowances  
in respect  
of children

**2.** Section 6 of *The Mothers' Allowances Act, 1952* is amended by adding thereto the following clause:

1952,  
c. 62, s. 6,  
amended

(aa) adding further qualifications to those specified in this Act for applicants for allowances.

**3.** This Act may be cited as *The Mothers' Allowances Amendment Act, 1954*.

Short title



## CHAPTER 56

## An Act to amend The Municipal Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

1. Part I of *The Municipal Act*, as amended by section 2 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.,  
 c. 243, Part I  
 (ss. 10-25),  
 re-enacted;  
 (ss. 26-47),  
 repealed

## PART I

FORMATION, ERECTION, ALTERATION OF  
 BOUNDARIES, AND DISSOLUTION OF  
 MUNICIPALITIES, ETC.

## INCORPORATIONS AND ERECTIONS

10.—(1) The Municipal Board, upon the application of the Department or of not less than thirty inhabitants of a locality having a population of not less than fifty, may incorporate the inhabitants of the locality or a larger or smaller locality as an improvement district.

(2) The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population of not less than 1,000, may incorporate the inhabitants of the locality or a larger or smaller locality as a township or union of townships.

(3) The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population of not less than 500, may incorporate the inhabitants of the locality or a larger or smaller locality as a village.

(4) The Municipal Board, upon the application of the trustees of a police village, may incorporate the inhabitants of the locality comprising the police village as a village.

(5) The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population

of not less than 2,000, may incorporate the inhabitants of the locality or a larger or smaller locality as a town.

Locality  
interpreted

(6) An application may be made under subsection 1, 2, 3 or 5 with respect to a locality which includes, but is not composed of, a police village or part thereof, but no such application may be made with respect to a locality which includes an urban municipality or any part thereof.

Qualifica-  
tions of  
applicants

(7) No person is qualified to be an applicant under this section unless he is a British subject of the full age of twenty-one years.

Public  
hearing

(8) The Municipal Board, before making an order under this section, shall hold a public hearing in or adjacent to the locality affected, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections which any person may desire to bring to the attention of the Board.

Erection of  
improve-  
ment  
district,  
as village

11.—(1) Upon the application of an improvement district having a population of not less than 500, the Municipal Board may erect the improvement district into a village.

as township

(2) Upon the application of an improvement district having a population of not less than 1,000, the Municipal Board may erect the improvement district into a township.

as town

(3) Upon the application of an improvement district having a population of not less than 2,000, the Municipal Board may erect the improvement district into a town.

Erection  
of village

(4) Upon the application of a village having a population of not less than 2,000, the Municipal Board may erect the village into a town.

Erection of  
village,  
town or  
township  
into city

(5) Upon the application,

(a) of a village or town having a population of not less than 15,000; or

(b) of a township having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

Application  
to be  
authorized  
by by-law

(6) An application by an improvement district, village, town or township under this section shall be authorized by by-law of the board of trustees of the improvement district

or the council of the village, town or township, as the case may be, and notice of the application shall be published in such manner as the Municipal Board may direct.

(7) An application for the erection of a city or town under this section may include an application for the annexation of any locality adjoining the applicant municipality, and where the Municipal Board deems it desirable that the adjoining locality, or any greater or smaller area, be included in the city or town, the Municipal Board may annex the locality or any greater or smaller area to the city or town in the order erecting it and, where the locality to be annexed forms part of another municipality or municipalities, detach it therefrom.

Enlargement of area of city or town to be erected

(8) Where it is proposed that an adjoining locality be annexed to the city or town to be erected, the application for the erection shall so state and shall designate the locality to be annexed, and the provisions of section 14 shall apply with respect to the part of the application, and the order thereon, dealing with the proposed annexation.

Idem

(9) Where a village, town or township is erected into a city, the city shall not be entitled in the adjustment of assets and liabilities to any allowance in respect of its interest in the court house or jail of the county.

No allowance for court house or jail

12.—(1) Where a municipality is incorporated or erected, the order of the Municipal Board shall direct the name that the municipality shall bear, its boundaries, and the date when the incorporation or erection shall take effect, and may provide for any matters that the Board may deem necessary for the establishment and carrying on of the municipality.

Name, boundaries, etc.

(2) Where an improvement district, village, town or township is incorporated out of parts of two or more counties, it shall be annexed to and form part of that one of the counties which the Municipal Board directs.

County

(3) Without restricting the generality of subsection 1, the Municipal Board, by any order made upon an application for incorporation or erection or by any subsequent order or orders, may exercise all the powers conferred on it in the case of an amalgamation or annexation by subsection 10 of section 14, the provisions of which subsection shall apply *mutatis mutandis*.

Additional powers of Board

(4) The order of the Municipal Board incorporating or erecting a local municipality shall be conclusive evidence that all conditions precedent to the making of the order have been complied with and that the local municipality has been duly incorporated or erected in accordance with this Act.

Order of Board conclusive



## WARDS

Wards

13.—(1) Where a municipality is incorporated or erected, the Municipal Board shall divide a city or town and may divide any other municipality into not less than three wards each having a population of not less than 500, and shall designate the name or number each ward shall bear.

Idem

(2) Upon the application of the council of a local municipality for the division or a new division of the municipality into wards, the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect.

## ALTERATION OF BOUNDARIES

Interpre-  
tation  
Rev. Stat.,  
c. 96

14.—(1) In this section, "local board" means local board as defined in *The Department of Municipal Affairs Act*.

Amalgama-  
tions and  
annexations

(2) Upon the application of any municipality authorized by by-law of the council thereof or upon the application of the Minister of Municipal Affairs authorized by the Lieutenant-Governor in Council, or in respect of clause *d* upon the application of at least twenty-five inhabitants, being British subjects of the full age of twenty-one years, the Municipal Board may by order on such terms as it may deem expedient,

(a) amalgamate the municipality with any other municipality or municipalities;

(b) annex the whole or any part or parts of the municipality to any other municipality or municipalities;

(c) annex the whole or any part or parts of any other municipality or municipalities to the municipality;  
or

(d) annex any locality that does not form part of any municipality to the municipality,

and any such order may amalgamate or annex a greater or smaller area or areas than the area or areas specified in the application, whether or not the municipality, municipalities, or locality not forming part of a municipality, in which the area or areas is or are located, is or are specified in the application.

Assent of  
electors

(3) The Municipal Board, before proceeding with the application of the council of any municipality under subsection

2, may require that the by-law of the council shall receive the assent of the electors of such municipality who are entitled to vote on money by-laws.

(4) The Municipal Board, before making any order under subsection 2, shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections which any person may desire to bring to the attention of the Board.

(5) Where in a municipality affected by a proposed annexation or amalgamation an official plan approved under *The Planning Act* is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister of Planning and Development and to the planning board or planning boards having jurisdiction in any municipality or area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan.

(6) If a municipality to which the whole or part of another municipality is annexed or a municipality created by an amalgamation under this section has the requisite population, it may by such order be erected by the Municipal Board into a city or town bearing such name as the Board may direct.

(7) The Municipal Board may order a division or re-division of a municipality into wards if, in the opinion of the Board, the annexation or amalgamation renders such division or redivision necessary or desirable.

(8) If a petition signed by at least 150 electors of a town, village or township, or 500 electors of a city, praying that the whole or any part of the city, town, village or township may be annexed to an adjacent municipality on such terms as may be stated in the petition, is presented to the council of the city, town, village or township, the council shall within four weeks after the presentation of the petition submit to the electors of the city, town, village or township for their assent thereto a by-law providing for such annexation on the terms mentioned in the petition, and if the by-law receives the assent of the electors the council shall forthwith make application for such annexation under subsection 2.

(9) In subsection 8, "electors" means electors who are entitled to vote on money by-laws.

(10) The Municipal Board may, by any order made pursuant to an application under this section or by subsequent order or orders,

Public hearing to be held by Board

Effect of official plan  
Rev. Stat., c. 277

City or town may be erected

Division into wards

By-law to be submitted on petition

"Electors" defined

Further powers of Municipal Board

- (a) make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order as may be agreed upon or, in default of agreement, as the Board may deem equitable;
- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Board may deem equitable;
- (c) define special areas within the municipality as enlarged by such annexation or resulting from such amalgamation, having regard to the areas annexed thereto or amalgamated therein, and adjust the rights, claims, liabilities and obligations of the rate-payers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;
- (d) appoint one or more referees, who shall have all the powers mentioned in section 55 of *The Ontario Municipal Board Act*, to inquire into and report to the Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses *a*, *b* and *c*, or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the referee or referees for further consideration, and the order of the Board adopting the report or varying or amending the report shall be final and conclusive and not open to question or appeal and shall be binding upon all municipalities and local boards affected thereby;
- (e) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;
- (f) subject to section 20, require the transfer of real property from either municipality or a local board thereof to the other municipality or a local board thereof, and take any such transfer into consideration in the adjustment of assets and liabilities;

Rev. Stat.  
c. 262

(g)

- (g) make all such provisions for the composition of councils and local boards, the fixing of days for nominations, either before or subsequent to the day on which the annexation or amalgamation becomes effective, the appointment of returning officers, the holding of elections, the qualifications of candidates and electors, the preparation of first voters' lists and assessment rolls, the fixing of days for first meetings of councils and local boards, and for such other matters as it may deem necessary to provide for the effective administration of the enlarged or amalgamated municipality or of any local board thereof;
- (h) where the holder of an operating licence under *The Public Vehicles Act* is adversely affected by the annexation or amalgamation, Rev. Stat., c. 322
  - (i) authorize the municipality or municipalities to pay to the holder of the licence in respect of such adverse effect the amount of compensation agreed upon, or
  - (ii) direct what compensation, if any, shall be paid by the municipality or municipalities to the holder of the licence in respect of such adverse effect;
- \**(i)* do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the amalgamation or annexation provided for in such order.

(11) The Municipal Board may make such rules and regulations and issue such orders and directions in respect of any matter not specifically provided for in this section as it may deem necessary or desirable in connection with any such annexation or amalgamation and every such rule, regulation, order and direction shall be valid and binding upon all municipalities and local boards interested in or affected thereby. Municipal Board may make rules, etc.

(12) No order of annexation or amalgamation of any municipality or any part thereof shall be made under this section at a time when the municipality is in default in payment of any interest or principal in respect of its debentures. No order if municipality in default

(13) The powers conferred upon the Municipal Board by this section may be exercised at any time or times notwithstanding anything contained in this or any other special or general Act, and in the event of any conflict between the Provisions of this section to prevail

provisions

\*Clause *i* replaced by clauses *i*, *j* and *k*. See 1954, c. 57, s. 1 (1).



provisions of this section and the provisions of this or any other special or general Act, the provisions of this section shall prevail.

Amalgamation,  
annexation  
orders—  
when to  
come into  
force

\*(14) An amalgamation or annexation order shall not come into force until twenty-eight days after it is made and if during that period objection thereto is filed with the Municipal Board, the order shall not come into force,

(a) until the objection is withdrawn, in which case the Municipal Board may name the day upon which the order came or will come into force; or

(b) until it is confirmed by special Act, in which case the Act shall name the day upon which it came or will come into force.

Sufficiency  
of  
objection

\*(15) For the purposes of subsection 14, the objection mentioned therein means an objection in writing which according to the certificate of the clerk of the municipality is signed by not less than 10 per cent of the persons qualified to vote on money by-laws who are resident in,

(a) the municipality which has applied for the order; or

(b) any municipality or the part or parts thereof which by the terms of the order is or are to be amalgamated with or annexed to the applicant municipality,

and an objection shall be deemed to have been withdrawn when there is filed with the Municipal Board a notice or notices in writing of such withdrawal signed by one-third or more of the objectors.

Objection  
where no  
residents

\*(16) Where there are no persons qualified to vote on money by-laws who are resident in the part or parts of the municipality which by the terms of the order is or are to be annexed to the applicant municipality, the council of the municipality in which the area to be annexed is located may file an objection under subsection 14, and the said council may withdraw its objection at any time.

Adding  
territory to  
municipality  
in another  
county

\*(17) Where part of a local municipality becomes part of a local municipality in another county, it shall thereafter form part of that county except for the purpose of representation in the Assembly.

Alteration  
of areas

15.—(1) Upon the application of a municipality to alter, enlarge, reduce or dissolve any fire, police, sewage, water or transportation area or local improvement area or street lighting area created under this or any other Act or any other area created for any municipal purpose, or to amalgamate any such area with any other area of a similar nature in the municipality,

\*Subsections 14 to 17 replaced by subsections 14 to 21. See 1954, c. 57, s. 1 (2).



municipality, the Municipal Board may, on such terms as it deems expedient, by order make such alteration, enlargement, reduction, dissolution or amalgamation.

(2) Unless under all the circumstances affecting the matter the Municipal Board deems unnecessary and by order dispenses with a public hearing, the Board shall, before making an order under this section, hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections which any person may desire to bring to the attention of the Board. <sup>Public hearing</sup>

\*(3) The provisions of section 14, except subsections 4, 14, 15 and 16, shall apply *mutatis mutandis* to an application under this section. <sup>Application of s. 14</sup>

16.—(1) A union of townships shall consist of two or more townships united for municipal purposes and having in common, as if one township, all offices and institutions established by law pertaining to township municipalities. <sup>Union of townships</sup>

(2) The Lieutenant-Governor in Council may, by proclamation, annex a township, or two or more townships lying adjacent to one another laid out by the Crown in unorganized territory, to any adjacent county, and may erect the same with another township in the county into a union of townships. <sup>Annexation of townships in unorganized territory to county</sup>

(3) Upon the application of a union of townships, authorized by by-law of the council thereof, or upon the application of at least seventy-five inhabitants of one of the townships included in a union of townships, the Municipal Board may by order on such terms as it may deem expedient separate the township in respect of which the application is made from the union of townships and, <sup>Separation of township from union</sup>

- (a) incorporate the inhabitants of the separated township as a new township; or
- (b) erect the township with an adjoining township into a union of townships.

(4) Where a township is separated from a union of townships, the order of the Municipal Board shall direct the name that the remainder of the union shall bear, the name that the new township or union shall bear, the boundaries of the municipalities, and the date when the order shall take effect, and may provide for any matters that the Board deems necessary for the establishment and carrying on of the municipalities. <sup>Names, boundaries, etc.</sup>

(5)

\*Subsection 3 amended by 1954, c. 57, s. 2.

Application  
of s. 14

\*(5) The provisions of section 14, except subsections 14, 15 and 16, shall apply *mutatis mutandis* to an application under subsection 3.

MATTERS CONSEQUENT ON INCORPORATIONS,  
ERECTIONS, ALTERATIONS OF BOUNDARIES, ETC.

By-laws to  
remain in  
force on  
incorpora-  
tions, etc.

17.—(1) The incorporation of a locality as an improvement district, township, village or town, or the erection of an improvement district into a village, township or town, or the erection of a village into a town, or the erection of a village, town or township into a city, or the separation of a township from a union of townships, shall not affect the by-laws then in force in the locality or municipality, and they shall remain in force in the locality or municipality until repealed by the council of the newly incorporated or erected municipality.

Idem

(2) The amalgamation of two or more municipalities shall not affect the by-laws then in force in each of the former municipalities and they shall remain in force in each former municipality until repealed by the council of the new municipality.

Proviso

(3) Nothing in this section authorizes the amendment or repeal of a by-law which the council by which it was passed could not lawfully amend or repeal.

By-laws in  
force in  
annexed  
territory

18. Except where otherwise ordered by the Municipal Board, where a locality or a municipality is annexed to a municipality, the by-laws of the latter municipality shall extend to the locality or annexed municipality and the by-laws then in force in the locality or annexed municipality shall cease to apply to it, except by-laws relating to highways, by-laws designating areas of sub-division control and by-laws passed under section 390 or which are kept in force by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, which shall remain in force until repealed by the council of the annexing municipality, and except by-laws conferring rights, privileges, franchises, immunities or exemptions which could not have been lawfully repealed by the council which passed them.

1941, c. 35

Assets, etc.,  
on  
annexations,  
amalgama-  
tions,  
erections

19.—(1) Where,

- (a) the whole of a municipality is annexed to another municipality;
- (b) two or more municipalities are amalgamated;
- (c) an improvement district is erected into a village, township or town;
- (d) a village is erected into a town;
- (e) a village, town or township is erected into a city,

all

\*Subsection 5 amended by 1954, c. 57, s. 3.

all the assets and liabilities of the annexed or former municipality or municipalities and its or their local boards shall be assets and liabilities of the annexing or new municipality and its local boards, and the annexing or new municipality shall for all purposes stand in the place and stead of the annexed or former municipality or municipalities.

(2) Without limiting the generality of subsection 1, the annexing or new municipality shall have the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the annexed or former municipality or municipalities, including those for the year in which the annexation, amalgamation or erection takes place, as if such taxes had been imposed by the annexing or new municipality. <sup>Idem</sup>

20.—(1) Unless otherwise ordered by the Municipal Board, where a locality is incorporated as an improvement district, township, village or town, or is detached from one municipality and annexed to another, the real property belonging to the municipality from which the locality becomes or is detached and situated in the locality shall belong to and be vested in the newly incorporated municipality or the annexing municipality, as the case may be, except a town hall and the land on which it is erected or which is used or enjoyed in connection with it, which shall remain the property of the municipality from which the locality becomes or is detached. <sup>Disposition of real property, on incorporation and annexations</sup>

(2) Unless otherwise ordered by the Municipal Board, where a township is separated from a union of townships, the real property belonging to the union of townships and situated in the separated township shall belong to and be vested in the separated township and the remainder of the real property shall be the property of the remainder of the union. <sup>on separation from union of townships</sup>

21.—(1) Except where otherwise provided by the Municipal Board, where a locality is incorporated as an improvement district, township, village or town, or is detached from one municipality and annexed to another, the taxes that were imposed by the municipality from which the locality becomes or is detached before the incorporation or annexation takes effect and are unpaid at the time the incorporation or annexation takes effect shall belong to the newly incorporated municipality or the annexing municipality, as the case may be, and may be collected and recovered by it as if they had been imposed by it. <sup>Unpaid taxes</sup>

(2) The unpaid taxes, the right to collect and recover which is transferred to the newly incorporated municipality or the annexing municipality under subsection 1, shall be <sup>Idem</sup>

taken

taken into consideration upon the adjustment of assets and liabilities consequent upon the incorporation or annexation.

Jurisdiction  
of old  
council on  
incorpora-  
tions, etc.

22.—(1) Where,

- (a) a locality is incorporated as an improvement district, township, village or town;
- (b) an improvement district is erected into a village, township or town;
- (c) a village is erected into a town;
- (d) a village, town or township is erected into a city; or
- (e) a township is separated from a union of townships,

and the council of the new municipality is not organized until after the time of the incorporation, erection or separation, the council having authority in the locality, municipality or separated township at the time of the incorporation, erection or separation shall, until the council of the new municipality is organized, continue to have the same powers as before the incorporation, erection or separation.

Idem

(2) Where two or more municipalities are amalgamated and the council of the new municipality is not organized until after the time of the amalgamation, the council of each former municipality shall, until the council of the new municipality is organized, continue to have the same powers with respect to its municipality as before the amalgamation.

Power to  
proceed  
with local  
improve-  
ments upon  
land annexed  
to another  
municipality  
Rev. Stat.,  
cc. 246, 215

23.—(1) Where a work or service coming within the provisions of *The Municipal Drainage Act* or of *The Local Improvement Act* has been undertaken by a municipality, and after it has become liable for the carrying out of the same, any land liable to be specially assessed becomes a new municipality or is annexed to another municipality, the municipality from which the land becomes or is detached may complete the work or service, and may enter upon and acquire any land lying within the new or annexing municipality necessary for the completion of such work or service, and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such money and do all such other acts and things as are necessary to complete the work or service and to provide for the cost thereof in the same manner as if the land so liable had not become a new municipality or been annexed to another municipality.



(2) The municipality by which the work or service was undertaken shall be indemnified by the new municipality or the annexing municipality against all debts and liabilities incurred by it before the formation of the new municipality or the annexation for or in respect of any such work or service to the extent to which the land lying within such new or annexing municipality was specially assessed, and in adjusting the assets and liabilities consequent on the detachment of such land the debts incurred by the municipality from which it was detached, for its share of the cost of such work or service, shall be taken into account.

Municipality to which territory annexed to indemnify municipality undertaking work

(3) Where the land specially assessed lies wholly within the new or annexing municipality, the latter shall be liable for the entire debt in respect of such work or service, and the clerk of the municipality from which the land was detached shall furnish the clerk of the new or annexing municipality with certified copies of all the by-laws relating to the work or service and the rates imposed by such by-laws shall be collected by the new or annexing municipality, and the latter shall pay the principal and interest of the debentures issued in respect of the work or service as they become due and shall indemnify the municipality from which the land was detached against the same.

Assumption of debt where all of land specially assessed is detached

(4) Where only part of the land specially assessed lies within the new or annexing municipality, the clerk of the municipality from which it was detached shall furnish the clerk of the new or annexing municipality with a certified copy of the by-law imposing the special assessment, and the new or annexing municipality, in each year in which a special rate upon such lands is payable, shall collect the same and shall pay over the sums collected to the treasurer of the municipality from which such land was detached, when and as the same are collected, and in the adjustment of the assets and liabilities consequent upon the detachment of such land the debts incurred by the municipality from which it was detached for its share of the cost of the work or service shall be taken into account.

Collection of special rates etc., where only part of land specially assessed is detached

#### INTER-URBAN AREAS

24.—(1) Upon the application of a municipality as defined in *The Department of Municipal Affairs Act* for the creation of an area consisting of the applicant municipality or a part thereof and one or more other municipalities or parts thereof for the joint administration therein of education, fire protection, police protection, planning, highways, sewers, sewage disposal, garbage disposal, public health including hospitals and hospitalization, welfare including unemployment relief,

Power to create inter-urban administrative areas  
Rev. Stat., c. 96

parks



Rev. Stat.,  
c. 96

parks or any public utility as defined by *The Department of Municipal Affairs Act*, the Municipal Board may by order on such terms as it deems expedient create such area or a greater or smaller area for any or all of such purposes.

Vote of  
electors

(2) Before proceeding with the application, the Municipal Board may require the matter to be voted upon by the electors entitled to vote on money by-laws in the area or any part thereof.

Public  
hearing to  
be held

(3) Before making an order under subsection 1, the Municipal Board shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections which any person may desire to bring to the attention of the Board.

Petition

(4) If a petition signed by at least 150 electors entitled to vote on money by-laws of any municipality other than a city or 500 such electors of a city praying that an application under subsection 1 be made is presented to the council, the council shall within six weeks after the presentation of the petition or, subject to the approval of the Municipal Board, at the next election submit to the electors entitled to vote on money by-laws for their assent thereto a by-law or question setting out the nature of the application prayed for, and if such by-law or question receives the assent of such electors the council shall forthwith make such application to the Board.

Minister of  
Municipal  
Affairs  
may apply

(5) The Lieutenant-Governor in Council may authorize the Minister of Municipal Affairs to make an application under subsection 1 and in such case the Municipal Board shall have the same powers as if the application had been made by a municipality under subsection 1.

Powers of  
Municipal  
Board

(6) The Municipal Board may by order made pursuant to an application under this section or by subsequent order or orders,

- (a) make all such adjustments of assets and liabilities as between the municipalities affected by any such order as may be agreed upon or, in default of agreement, as the Board may deem equitable;
- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Board may deem equitable;
- (c) define special areas within the area created under this section and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and

provide

provide the extent to which liabilities shall be discharged by the imposition of rates upon the rateable property in such areas;

- (d) appoint one or more referees, who shall have all the powers mentioned in section 55 of *The Ontario Municipal Board Act*, to inquire into and report to the Board upon the adjustment of assets and liabilities and of the rights, claims, liabilities and obligations referred to in clauses *a*, *b* and *c* or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer the report back to the referee or referees for further consideration, and the order of the Board adopting, varying or amending the report shall be final and conclusive and not open to question or appeal and shall be binding upon all municipalities and local boards affected thereby; Rev. Stat.,  
c. 262
- (e) fix the remuneration and expenses of the referee or referees and declare in what proportion the remuneration and expenses shall be paid by the municipalities;
- (f) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the order.

(7) The Municipal Board shall order a division or re-division of the area into not less than three wards having regard to population and size, provided that no ward shall extend beyond the boundaries of the municipality in which it is situated unless it is agreed to the contrary by the municipalities in the area. Wards

(8) The clerk of the municipality having the largest assessment shall act as secretary and returning officer of the area until a secretary-treasurer is appointed by the Board of Management. Acting  
secretary

(9) There shall be a board of management to be known as the Board of Management of the Inter-Urban Area of ..... which shall be a body corporate composed of one member for each ward in the area, to be elected as hereinafter provided. Board of  
management,  
composition  
of

(10) Every person whose name is on the voters' list for the municipality or the part thereof within the ward as entitled to vote at municipal elections shall be entitled to Who may  
vote

vote at the election of the member of the Board of Management to be elected for such ward.

Time and  
place of  
elections

(11) The first election of the Board of Management and any local board shall be held at the time and in the manner directed by the Municipal Board, and each election thereafter shall be held at the same time and place as the municipal elections of the municipality in which the ward is situated.

Election to  
be as  
municipal  
election

(12) Except as provided in this section, the members of the Board of Management and any local board shall be elected by ballot and the election shall be conducted by the same officials and in the same manner as the elections of aldermen and councillors, and the provisions of this Act respecting the time and manner of holding elections, including the resignation of persons nominated, vacancies and declarations of qualification for office, and decision in the case of a tie vote, shall apply *mutatis mutandis* to such election.

Two-year  
term

(13) Each member so elected shall hold office for two years and until his successor is elected.

Secretary-  
treasurer

(14) The Board of Management shall appoint a secretary-treasurer for the area and Board of Management, who shall hold office during pleasure and who, subject to the by-laws of the Board of Management, shall with respect to the area and the administration of its affairs and of its inhabitants have and may exercise all the authority, powers and rights and shall perform all the duties and obligations which by statute or by-law are or may be conferred or imposed upon the clerk and treasurer of a municipality with the status designated by the Municipal Board in respect of the purposes for which the area is created.

Auditors

(15) The auditors of the municipality having the largest assessment within the area shall be the auditors of the area and the local boards thereof.

Returning  
officer

(16) The secretary-treasurer shall be the returning officer of the area and in the event of two or more candidates in any ward having an equal number of votes, he shall give a vote for one of such candidates so as to decide the election.

Eligibility of  
candidates

(17) No person shall be eligible for election as a member of the Board of Management or any local board unless he is a resident of the ward for which he is nominated and qualified to vote at municipal elections therein.

Nominations

(18) Nominations for the first election of the members of the Board of Management or for any local board for any ward shall be held at the time and in the manner directed by

the Municipal Board and each year thereafter the nominations shall be held at the same time and place as the nominations of municipal candidates for the municipality in which the ward is situated.

(19) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates for the Board of Management and any local board in the same form as those used for councillors and aldermen.

(20) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the area a sealed return showing the number of ballots cast for each of the candidates for election to the Board of Management and any local board and not later than 4 o'clock in the afternoon of the third day following the last of such elections the returning officer of the area shall make up from the returns so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected and shall send by prepaid post a copy of such certificate to each candidate.

(21) Where the office of a member of the Board of Management becomes vacant from any cause, the remaining members shall at the first meeting after the vacancy occurs appoint a qualified person, resident in the ward from which the member so vacating his seat was elected, to fill the vacancy for the remaining part of the term for which his predecessor was elected.

(22) The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and each year thereafter the first meeting of the Board shall be held not later than the second Monday in January and the day and the hour for holding the meeting shall be fixed by by-law.

(23) The secretary-treasurer shall preside at the election of the chairman or if there is no secretary-treasurer or in his absence the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member.

(24) In case of an equality of votes at the election of the chairman, the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.



Powers and duties of chairman	(25) The chairman of the Board of Management shall be deemed to be and shall have all the rights, powers, privileges, duties and authority of the head of a council and municipality and a mayor or reeve of a city, town, village or township and the chairman of a local board as designated by the Municipal Board.
Vice-chairman	(26) The Board of Management shall appoint a vice-chairman who shall, during the absence of the chairman or if the office is vacant, have all the rights, powers, privileges, duties and authority of the chairman.
Quorum	(27) A majority of the members constituting the Board shall be a quorum.
Status of area	(28) The area shall be a local municipality for the purposes for which the area was created with the status of a city, town, village or township as is designated by the Municipal Board.
Status of Board of Management.	(29) The Board of Management shall be a municipal council for the administration and management of the purposes for which the area was created and shall be a local board as defined in <i>The Department of Municipal Affairs Act</i> for such purposes as are designated by the Municipal Board, except school boards, library boards, boards of commissioners of police, planning boards, boards of health and health units.
Rev. Stat., c. 96	
Board of Management supreme	(30) The powers vested in the Board of Management under this section shall not be exercised by the councils of the local municipalities in the area or by the council of the county, if any, in which the area is situated and the county levy, if any, shall not include a levy upon the rateable property in the area for any of the purposes for which the area was created.
School boards	(31) Every board created or amalgamated for school purposes in the area shall have the status of a public school board, continuation school board, separate school board, board of education, high school board or collegiate institute board, or board of trustees of a township school area as is designated by the Municipal Board, and every such board shall be a corporation by the name of The Public School Board, or The Continuation School Board, or The Separate School Board, or The Board of Education, or The High School Board, or The Collegiate Institute Board, or The Board of Public School Trustees, of The Inter-Urban Area of ....., as the case may be, or such other designation as the Municipal Board by order or school board by by-law may provide, and the provisions of the respective school Acts governing such boards shall apply <i>mutatis mutandis</i> to such boards, except that each board shall be composed of one member for each ward elected for a term of two years at the time and in the manner herein provided by persons

entitled



entitled to vote as public school supporters or separate school supporters, as the case may be, and the composition of the high school board or the collegiate institute board or the board of education shall also include the member or members to be appointed by the county or separate school board pursuant to Part II or Part IV of *The Secondary Schools and Boards of Education Act, 1954*, as the case may be. <sup>1954, c. 87</sup>

(32) Notwithstanding subsection 31, the Municipal Board <sup>Exception</sup> may provide that a high school board or a collegiate institute board created under this section shall be composed of one or more members representing each local municipality in the area to be appointed by the council of each such municipality at the first meeting in each year and the members so appointed shall, with such additional members as are authorized by *The Secondary Schools and Boards of Education Act, 1954*, form such high school board or collegiate institute board, as the case may be.

(33) When its assessment roll has been finally revised and corrected, the clerk of each municipality within the area <sup>Roll to be transmitted and produced</sup> shall within ninety days transmit to the secretary-treasurer of the area a summarized statement of the contents of the roll showing the population and the total assessment of each of the various classes of property liable to assessment and the total business assessment and the total assessment for public school, separate school and general purposes, and when required to do so by the area assessors, Board of Management, county judge or court, as the case may be, for the purpose of equalization or otherwise produce the original assessment roll of the municipality.

(34) The Board of Management shall equalize the real <sup>Equalization of assessment</sup> property assessments of the municipalities within the area for public school, separate school, continuation school, board of education, high and collegiate school purposes, as the case may be, and for such other purposes as are designated by the Municipal Board in a similar manner as is done in the case of an equalization for county purposes and similar procedures and rights shall apply thereto as in the case of a county equalization and for such purposes every municipality or public or separate school board thereof in the area shall be considered a municipality within a county, and for such purposes the Board of Management may with the approval of the Department appoint assessors who shall have the same powers and duties as county assessors.

(35) The assessment of real property as equalized and business assessments in each municipality for the preceding year shall be the basis upon which any rate or sums required <sup>Basis for raising required sums</sup> to be raised for each of the purposes of the area shall be apportioned.

## Rates

(36) The Board of Management shall prepare and adopt estimates of all sums required during the year for the purposes of the area including the rates imposed by any separate school board and the sums required to be provided by the Board of Management for any board, commission or other body, and such estimates shall set forth the estimated revenue and expenditures in such form as the Department may prescribe and the Board of Management shall apportion the amounts required to be raised for each purpose among the municipalities within the area and the secretary-treasurer shall forthwith after such apportionment has been made certify to the clerk of each local municipality in the area the amount or rate to be levied thereon for each purpose for the current year and the sum shall be collected and levied upon the whole rateable property within such municipality according to the last revised assessment roll, except that the amounts or rates to be levied for public school or separate school purposes shall be collected and levied upon the whole rateable property of public school supporters or separate school supporters, as the case may be, and the total of such amounts shall be collected and paid over to the Board of Management at the time and in the manner required by the Board.

## Estimates

(37) The Board of Management may by by-law require that the estimates for the current year for every board, commission or other body created for any of the purposes of the area and for which the Board of Management is by law required to raise or provide money shall be submitted to the Board of Management on or before the 1st day of March in each year and that such estimates shall be in the form and give the particulars which the by-law prescribes.

Rates to be  
levied on  
full values

(38) The Board of Management in apportioning any rate or sums for any of the purposes of subsection 1 of section 309 shall add to the amount of the equalized assessment of each local municipality within the area any amounts exempted therefrom by reason of a fixed assessment or a partial or total exemption from assessment, except as provided in section 4 of *The Assessment Act*.

Rev. Stat.,  
c. 24Borrowing  
powers

(39) In raising money for any of the purposes of the Board of Management by way of debentures, the assent of the electors shall not be required, and for current borrowing, the provisions of section 341 shall apply *mutatis mutandis*.

Power to  
make  
additional  
orders, etc.

(40) The Municipal Board may make such orders in respect of any matter not specifically provided for in this section as it may deem expedient in connection with the area and every such order shall be valid and binding upon all municipalities and local boards affected thereby.

(41) The powers conferred upon the Municipal Board by <sup>Conflict</sup> this section may be exercised at any time notwithstanding anything contained in this or any other special or general Act, and in the event of conflict between the provisions of this section and the provisions of this or any other special or general Act, the provisions of this section shall prevail save that nothing herein shall affect or limit the powers of a board of separate school trustees with respect to the imposing, levying and collecting of school rates, the borrowing of money for school purposes and the making of instruments for the security of payment thereof.

(42) Any area created in unorganized territory shall be <sup>Unorganized territory</sup> subject to Part III of *The Department of Municipal Affairs Act*. <sup>Rev. Stat., c. 96</sup>

#### DISSOLUTIONS

25.—(1) In this section, “municipality” means local muni- <sup>Interpre-</sup>  
cipality, and includes, <sup>tation</sup>

(a) a police village;

(b) an elementary school board having jurisdiction only in territory without municipal organization;

(c) a high school board having jurisdiction only in territory without municipal organization;

(d) road commissioners under *The Statute Labour Act* <sup>Rev. Stat., c. 372</sup> having jurisdiction only in territory without municipal organization;

(e) a board of management established under section 24.

(2) Upon the application, authorized by by-law,

<sup>Dissolution of municip-  
pality, etc.</sup>

(a) of a municipality to have the municipality dissolved;  
or

(b) of a municipality to have dissolved one of its local boards which it is not required by law to have and for the dissolution of which no provision is made by law; or

(c) of a municipality which adjoins territory without municipal organization for the detachment from the municipality of any part or parts thereof,

the Municipal Board may by order on such terms as it may deem expedient,

(d)

(*d*) dissolve the municipality; or

(*e*) dissolve the local board; or

(*f*) detach from the municipality such part or parts or any larger or smaller part or parts,

as the case may be, and the order shall take effect on the day named therein.

Dissolution  
of board of  
management

(3) An application for the dissolution of a board of management established under section 24 may be made under subsection 2 by the board of management or by any municipality within the area for which the board of management was established.

Application  
by Minister

(4) The Lieutenant-Governor in Council may authorize the Minister of Municipal Affairs to apply to the Municipal Board for any purpose mentioned in clause *a*, *b* or *c* of subsection 2, and in such case the Municipal Board has the same powers as if the application had been made under subsection 2 by the municipality concerned.

Assent of  
electors

(5) The Municipal Board, before proceeding with an application under subsection 2, may require the assent of the electors of the municipality.

Public  
hearing

(6) The Municipal Board, before making an order under subsection 2, shall hold a public hearing, after such notice thereof has been given as the Board may direct which shall in every case include a written notice to the Minister of Health, for the purpose of inquiring into the merits of the application and of hearing any objections which any person may desire to bring to the attention of the Board.

Powers of  
Board

(7) The Municipal Board may by any order under subsection 2 or by subsequent order or orders,

(*a*) in the case of an application under clause *a* of subsection 2, declare that the municipality dissolved shall be an improvement district or that the lands comprising the municipality or any part or parts thereof shall be annexed to another municipality or municipalities or that the lands comprising the municipality or any part or parts thereof shall become territory without municipal organization;

(*b*) in the case of an application under clause *b* of subsection 2, provide for the disposition of the assets and liabilities of the local board in such manner as

may



may be agreed upon or, in default of agreement, as the Board may deem equitable;

- (c) in the case of an application under clause *c* of subsection 2, declare that the lands detached from the applicant municipality shall be an improvement district or that the said lands or any part or parts thereof shall be annexed to another municipality or municipalities or that the said lands or any part or parts thereof shall become territory without municipal organization;
- (d) make all such adjustments of assets and liabilities as between any municipalities, including counties, affected by any such order as may be agreed upon or, in default of agreement, as the Board may deem equitable;
- (e) define the municipality dissolved or the lands detached as a special area and adjust the rights, claims, liabilities and obligations of the ratepayers of such area and provide the extent to and the manner in which the liabilities of the municipality dissolved or the lands detached shall be discharged by the imposition of rates upon the rateable property in such area or otherwise;
- (f) appoint one or more referees, who shall have all the powers mentioned in section 55 of *The Ontario Municipal Board Act*, to inquire into and report to the Board upon the disposition and adjustment of assets and liabilities and of the rights, claims, liabilities and obligations referred to in clauses *b*, *d* and *e*, or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the referee or referees for further consideration, and the order of the Board adopting, varying or amending the report shall be final and conclusive and not open to question or appeal and shall be binding upon all municipalities and local boards affected thereby;  
Rev. Stat.,  
c. 262
- (g) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;
- (h) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental



to the carrying out of the dissolution or detachment provided for in the order.

Rules, etc.

(8) The Municipal Board may make such rules and regulations and issue such orders and directions with respect to any matter not specifically provided for in this section as it may deem necessary or desirable in connection with the dissolution or detachment.

Rev. Stat.,  
c. 243, s. 53,  
subs. 2,  
repealed

**2.**—(1) Subsection 2 of section 53 of *The Municipal Act* is repealed.

Rev. Stat.,  
c. 243, s. 53,  
subs. 7a  
(1953, c. 70,  
s. 2),  
amended

(2) Subsection 7a of the said section 53, as enacted by section 2 of *The Municipal Amendment Act, 1953*, is amended by inserting after the word "by-law" in the fourth line the words "or a question", so that the subsection shall read as follows:

Where  
assent  
unnecessary

(7a) Notwithstanding subsection 7, a by-law for the purpose mentioned in subsection 5 may be passed without the assent of the municipal electors if a by-law or a question for the division of the municipality into wards has received the assent of the municipal electors.

Rev. Stat.,  
c. 243,  
amended

**3.** *The Municipal Act* is amended by adding thereto the following section:

Village and  
township in  
unorganized  
territory

53a. In unorganized territory, the council of a village and the council of a township shall consist of a reeve and four councillors.

Rev. Stat.,  
c. 243, s. 56,  
subs. 1, cl. f,  
amended

**4.**—(1) Clause *f* of subsection 1 of section 56 of *The Municipal Act* is amended by adding at the end thereof the words "unless he has before the opening of the nomination meeting filed his resignation with the township clerk", so that the clause shall read as follows:

(*f*) a trustee of a police village unless he has before the opening of the nomination meeting filed his resignation with the township clerk.

Rev. Stat.,  
c. 243, s. 56,  
subs. 1, cl. u,  
amended

(2) Clause *u* of subsection 1 of the said section 56 is amended by striking out the word "nomination" in the first line and inserting in lieu thereof the words "opening of the nomination meeting", so that the clause shall read as follows:

(*u*)

- (u) a tenant who at the time of the opening of the nomination meeting owes more than three months rent upon the property in respect of which he qualifies.

5.—(1) Subsection 1 of section 58 of *The Municipal Act* Rev. Stat., c. 243, s. 58, subs. 1, amended is amended by striking out the words "*The Voters' Lists Act*" in the second and third lines and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Every person shall be entitled to be entered on the voters' list prepared under Part I or II of *The Voters' Lists Act, 1951*, who is, Qualification to be entered on voters' list  
1951, c. 93

. . . . .

(2) Subsection 5 of the said section 58 is amended by striking out the words "*The Voters' Lists Act*" in the eleventh and twelfth lines and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection shall read as follows: Rev. Stat., c. 243, s. 58, subs. 5, amended

- (5) A person not entitled under *The Assessment Act* to be entered on the last revised assessment roll as a farmer's son, or farmer's daughter, or a farmer's sister, by reason of not having resided on the farm as therein required, shall be entitled to be entered on the voters' list if he or she has the other qualifications of a farmer's son, or a farmer's daughter, or a farmer's sister as prescribed by that Act and has resided on the farm of his or her father or mother or brother for the 12 months next preceding the date of the final revision of the assessment roll or for the 12 months next preceding the last day for making complaint to the judge under *The Voters' Lists Act, 1951*, and where under the provisions hereof a farmer's son is entered on the list his wife, if otherwise qualified, shall also be entered thereon. Farmers' sons, daughters and sisters  
Rev. Stat., c. 24  
1951, c. 93

6. Section 60 of *The Municipal Act* is amended by inserting after the word "list" in the fifth line the words "or from the tenant not residing in the municipality at the date of and for one month next before the election in the case of a voter who is the husband or wife of the tenant", so that the section shall read as follows: Rev. Stat., c. 243, s. 60, amended

60. Except as to the disqualification arising from not residing in the municipality at the time of the election in the case of a farmer's son, or farmer's daughter, Qualifications not to be questioned at election except as to non-residence

or

or farmer's sister voter, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters' list, or from the tenant not residing in the municipality at the date of and for one month next before the election in the case of a voter who is the husband or wife of the tenant, no question as to the qualifications of any person whose name is entered on the proper list of voters shall be raised at an election.

Rev. Stat.,  
c. 243, s. 61,  
repealed

**7.** Section 61 of *The Municipal Act* is repealed.

Rev. Stat.,  
c. 243, s. 100,  
amended

**8.** Section 100 of *The Municipal Act* is amended by striking out the words "the first and second parts of the last voters' list certified under *The Voters' Lists Act*" in the second and third lines and inserting in lieu thereof the words "the last municipal voters' list certified under *The Voters' Lists Act, 1951*", so that the section shall read as follows:

Proper  
voters' list  
to be used  
at an  
election  
1951, c. 93

100. The proper list of voters to be used at an election shall be the last municipal voters' list certified under *The Voters' Lists Act, 1951*, with the supplementary list, if any, under section 102 or the list provided for by section 103.

Rev. Stat.,  
c. 243, s. 108,  
subs. 1,  
cl. a,  
amended

**9.** Clause *a* of subsection 1 of section 108 of *The Municipal Act* is amended by striking out the word "first" in the first line and the words "second deputy reeve, third deputy reeve" in the second line, so that the clause shall read as follows:

(a) once only for mayor, controller, reeve, deputy reeve.

Rev. Stat.,  
c. 243,  
s. 111a  
(1952,  
c. 63, s. 8),  
subs. 15,  
re-enacted

**10.** Subsection 15 of section 111a of *The Municipal Act*, as enacted by section 8 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Noting  
deputy  
returning  
officers'  
lists or  
certificate  
as to voters

(15) Upon receiving from the deputy returning officer the list mentioned in subsection 14, the returning officer shall,

(a) make an entry in the voters' list to be supplied to each deputy returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote; or

(b) make a certificate (Form 10A) for each polling subdivision, showing the name and address of each voter listed on the voters' list for such polling subdivision who has voted at an advance poll, and shall furnish such certificate

before

before the opening of the poll on voting day to the deputy returning officer of the polling subdivision and the deputy returning officer shall before opening the poll make an entry in the voters' list supplied to him, opposite the name of each voter whose name appears on the certificate, showing that such voter has polled his vote.

**11.** Section 234 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 243, s. 234, amended

- (1a) The clerk shall keep an index book in which he shall enter the number and date of, Index of restricted area by-laws, etc.
- (a) every subsisting by-law heretofore passed under section 390 or a predecessor of that section;
- (b) every by-law hereafter passed under section 390;
- (c) every other subsisting by-law, and every other by-law hereafter passed, that affects land but does not directly affect the title to land.

**12.**—(1) Subsection 4 of section 263 of *The Municipal Act* is amended by striking out the words "*The Theatres and Cinematographs Act*" in the first line and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the subsection shall read as follows: Rev. Stat., c. 243, s. 263, subs. 4, amended

- (4) Subject to *The Theatres Act, 1953*, the granting or refusing of a licence to any person to carry on a particular trade, calling, business or occupation, or of revoking a licence under any of the powers conferred upon a council or a board of commissioners of police by this or any other Act, shall be in its discretion, and it shall not be bound to give any reason for refusing or revoking a licence and its action shall not be open to question or review by any court. Discretion as to granting or refusing a licence 1953, c. 104

(2) Subsections 7 and 8 of the said section 263 are repealed and the following substituted therefor: Rev. Stat., c. 243, s. 263, subs. 7, 8, re-enacted

- (7) Where, under this or any other Act, a board of commissioners of police is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in

it,



it, and for revoking such licences, the board may by by-law authorize the chief constable of the municipality to suspend any such licence for such time and subject to such terms and conditions as the by-law may provide.

Idem

- (8) No suspension of a licence by a chief constable shall be effective after the expiration of two weeks from the date of suspension or after the time of the next meeting of the board after the suspension, whichever occurs first.

Appeal from  
revocation  
of licence

- (9) Notwithstanding subsection 4, the decision of a board of commissioners of police in revoking a licence shall be subject to an appeal therefrom to a judge of the Supreme Court whose decision shall be final.

Practice  
on appeal

- (10) The practice and procedure on and in relation to an appeal made under subsection 9 shall be the same, as nearly as may be, as in the case of an appeal from a decision of the Master of the Supreme Court in an action or proceeding in the Supreme Court.

Rev. Stat.,  
c. 243, s. 277,  
subs. 1,  
amended

**13.** Subsection 1 of section 277 of *The Municipal Act* is amended by striking out the words "*The Voters' Lists Act*" in the seventh line and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection shall read as follows:

Preparation  
of list of  
voters

- (1) Where the proposed by-law is a money by-law or one on which all the municipal electors are not entitled to vote, the clerk, after the passing of the by-law for taking the vote, and not later than the tenth day before the day appointed for taking the vote, shall prepare a list of the persons entitled to vote on the proposed by-law and, subject to section 278 and to section 25 of *The Voters' Lists Act, 1951*, the list so prepared shall be final and conclusive as to the right of every person named therein to vote, and that no person not named therein is entitled to vote.

1951, c. 93

Rev. Stat.,  
c. 243, s. 278,  
subs. 3,  
amended

**14.** Subsection 3 of section 278 of *The Municipal Act* is amended by striking out the words "*The Voters' Lists Act*" in the second and third lines and inserting in lieu thereof the words "*The Voters' Lists Act, 1951*", so that the subsection shall read as follows:

Proceedings

- (3) The proceedings shall be the same, as nearly as may be, as prescribed by subsection 2 of section 23 of *The Voters' Lists Act, 1951*.

1951, c. 93



**15.** Subsection 8 of section 298 of *The Municipal Act* is amended by adding at the end thereof the words "and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year", so that the subsection shall read as follows:

Rev. Stat.,  
c. 243, s. 298,  
subs. 8,  
amended

- (8) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 6 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Idem

**16.** *The Municipal Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 243,  
amended

298a.—(1) Notwithstanding this or any other Act, where separate debenture by-laws have been passed authorizing the borrowing of sums for two or more purposes, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council may by by-law, hereinafter called a consolidating by-law, provide for borrowing the aggregate of such sums and for issuing one series of debentures therefor.

Consolidat-  
ing  
debenture  
by-laws

- (2) The consolidating by-law shall clearly specify, by recital or otherwise, in respect of what separate by-laws it is passed.

Recitals

- (3) It shall not be necessary that the consolidating by-law shall impose any rate to provide for the payment of debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

Rates need  
not be  
imposed by  
consolidat-  
ing by-law

- (4) A consolidating by-law passed under this section may authorize the issue of debentures in one series notwithstanding that some of the debentures may be for different terms of years from the other debentures to be issued thereunder, provided that the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums which would have been raised under the separate by-laws had no consolidating by-law been passed.

Consolidat-  
ing by-law  
may  
authorize  
debentures  
of different  
terms of  
years

- (5) Debentures issued pursuant to a consolidating by-law passed under this section need not refer to the separate by-laws in respect of which the consolidating by-law is passed.

Reference  
to separate  
by-laws not  
required in  
debentures

Rev. Stat.,  
c. 243, s. 300,  
subs. 3,  
cl. i,  
amended

**17.** Clause *i* of subsection 3 of section 300 of *The Municipal Act* is amended by striking out the words "section 48 of *The High Schools Act*, or subsection 2 of section 3 of *The Continuation Schools Act*" in the third and fourth lines and inserting in lieu thereof the words "subsection 1 of section 7 or section 29 of *The Secondary Schools and Boards of Education Act, 1954*", so that the clause shall read as follows:

Rev. Stat.,  
c. 316

1954, c. 87

- (i) for borrowing money for any of the purposes mentioned in section 56 or 58 of *The Public Schools Act*, or subsection 1 of section 7 or section 29 of *The Secondary Schools and Boards of Education Act, 1954*;  
or

. . . . .

Rev. Stat.,  
c. 243, s. 311,  
subs. 2,  
amended

**18.** Subsection 2 of section 311 of *The Municipal Act* is amended by inserting after the word "and" where it occurs the second time in the fifth line the word "for", so that the subsection shall read as follows:

Allowances  
to be made  
in  
estimates

- (2) In preparing the estimates the council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and for uncollectable taxes and may provide for taxes which it is estimated will not be collected during the year.

Rev. Stat.,  
c. 243, s. 345,  
subs. 1,  
amended

**19.** Subsection 1 of section 345 of *The Municipal Act* is amended by striking out the words "buildings thereon" in the third and fourth lines and inserting in lieu thereof the words "and repairing buildings thereon, and for making additions to or alterations of such buildings", so that the subsection shall read as follows:

Power to  
acquire or  
expropriate  
land

- (1) The council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and for erecting and repairing buildings thereon, and for making additions to or alterations of such buildings, and may sell or otherwise dispose of the same when no longer so required.

Rev. Stat.,  
c. 243, s. 386,  
amended

**20.**—(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph:

Licensing,  
etc., dry  
cleaners, etc.

- 19a. For regulating and governing the business of dry cleaning, dry dyeing, cleaning and pressing and spotting or stain removing; for licensing any person using any land in the municipality for the purposes

of any such business including land used for the purpose of receiving articles or goods to be subjected to any such process and for the distribution of articles or goods which have been subjected to any such process; for authorizing the architect or other person named in the by-law to allow such variation from the standard requirements in the case of any existing business as he may approve; for establishing a maximum and minimum tariff of charges to be made by any person engaging in any such business and for revoking any such licence.

- (a) Where the council of a town, village or township has passed a by-law under this section the by-law of the county shall not be in force in the town, village or township while the by-law of the town, village or township remains in force. Application  
of by-law

(2) Paragraph 24 of the said section 386 is amended by striking out the words "*The Department of Education Act*" in the third line and inserting in lieu thereof the words "*The Department of Education Act, 1954*", so that the paragraph shall read as follows: Rev. Stat.,  
c. 243, s. 386,  
par. 24,  
amended

24. For carrying on any community or joint community programme of recreation within the meaning of the regulations under *The Department of Education Act, 1954*, and for expending money or for granting money in aid for such purposes. Community  
programmes  
1954, c. 20

(3) Clause *i* of paragraph 48 of the said section 386, as re-enacted by subsection 4 of section 10 of *The Municipal Amendment Act, 1953*, is amended by striking out the words "the council shall" in the tenth line and inserting in lieu thereof the words "and a pension plan has been provided for him with an insurer licensed under *The Insurance Act*, the council shall, on the written request of the employee", so that the clause shall read as follows: Rev. Stat.,  
c. 243, s. 386,  
par. 48  
(1953, c. 70,  
s. 10,  
subs. 4),  
cl. i,  
amended

- (i) Where an employee, on or after the 1st day of March, 1948, has become or becomes a member of, Transfer of  
pension  
money

(i) the civil service of Ontario or Canada,

(ii) the civic service of any other municipality or local board, or

(iii) the staff of any board, commission or public institution established under any Act of the Legislature,

and

Rev. Stat.,  
c. 183

and a pension plan has been provided for him with an insurer licensed under *The Insurance Act*, the council shall, on the written request of the employee, by by-law authorize the transfer of and shall transfer a sum equal to the credit of the employee in its pension plan heretofore or hereafter established under this or any other general or special Act, including the payments and deductions in accordance with clauses *c* and *e* together with interest thereon, to any like fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, where such fund or plan allows such transfers thereto.

Rev. Stat.,  
c. 243, s. 386,  
par. 48  
(1953, c. 70,  
s. 10,  
subs. 4),  
cl. *k*,  
amended

(4) Clause *k* of paragraph 48 of the said section 386 is amended by striking out the symbol and figures "\$50" in the fifth line and inserting in lieu thereof the symbol and figures "\$120" and by striking out the words "the sum equal to his contributions together with interest thereon" in the seventh, eighth and ninth lines and inserting in lieu thereof the words "a sum not less than his contributions", so that the clause shall read as follows:

Cash with-  
drawals

(*k*) No pension plan provided in accordance with this paragraph shall permit any cash withdrawal except where the moneys standing to the credit of an employee will produce an annuity of less than \$120 at normal retirement date, and the plan shall provide that in that case the employee shall be paid a sum not less than his contributions upon leaving the service of the municipality or local board.

Rev. Stat.,  
c. 243, s. 386,  
par. 48  
(1953, c. 70,  
s. 10,  
subs. 4),  
cl. *l*,  
amended

(5) Clause *l* of paragraph 48 of the said section 386 is amended by striking out the word "clause" in the first line and inserting in lieu thereof the words and letter "clauses *i* and", so that the clause shall read as follows:

Leaving  
service  
before  
retirement  
age

(*l*) Subject to clauses *i* and *k*, a pension plan shall provide that where an employee leaves the service of a municipality or local board before reaching normal retirement age he shall receive a paid-up policy providing for such annuity, commencing on retirement date and payable in monthly instalments, as the funds standing to his credit, together with interest thereon, will then purchase.

Rev. Stat.,  
c. 243, s. 386,  
amended

(6) The said section 386 is amended by adding thereto the following paragraph:

Insurance,  
hospitaliza-  
tion, etc.  
Rev. Stat.,  
cc. 183, 285

49a. For providing, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*.



- (i) group life insurance for employees or any class thereof,
- (ii) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children, and
- (iii) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and for contributing toward the cost thereof.

- (a) No by-law under this paragraph shall authorize contributions by the municipality in excess of the total of those made by the employees.
- (b) "Employee" in this paragraph means an employee as defined in paragraph 48.

(7) Clause *e* of paragraph 52 of the said section 386, as enacted by subsection 2 of section 15 of *The Municipal Amendment Act, 1951*, is amended by striking out the words "one year" in the third line and inserting in lieu thereof the words "not more than five years", so that the clause shall read as follows:

Rev. Stat.,  
c. 243, s. 386,  
par. 52, cl. *e*  
(1951, c. 53,  
s. 15,  
subs. 2),  
amended

- (e) The capital cost or part thereof to be levied against lands under clause *a* shall be raised by a special levy against the lands in not more than five years in accordance with the schedule appended to the by-law.

(8) Clause *e* of paragraph 53 of the said section 386 is repealed and the following substituted therefor:

Rev. Stat.,  
c. 243, s. 386,  
par. 53, cl. *e*,  
re-enacted

- (e) The council may appoint not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council.
- (ee) Where two or more municipalities have entered into an agreement under clause *d*, each member of the board shall be a resident ratepayer of one of such municipalities and where the board is composed of five or more persons, at least two shall be appointed from among the members of the councils of such municipalities.

**21.**—(1) Subsection 1 of section 388 of *The Municipal Act* is amended by adding thereto the following paragraph:

Rev. Stat.,  
c. 243, s. 388,  
subs. 1,  
amended



Deviations  
from build-  
ing by-laws

8a. For authorizing the municipal architect or building inspector to permit, in special cases which in his judgment warrant it, such deviation as he may deem proper from the by-laws regulating the erection of buildings, except by-laws passed under section 390.

Limited  
application  
of paragraph

(a) This paragraph applies only to municipalities where the municipal architect or building inspector, as the case may be, is a member or licensee of the Ontario Association of Architects under *The Architects Act* or a member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act*.

Rev. Stat.,  
cc. 21, 292

Rev. Stat.,  
c. 243, s. 388,  
subs. 1,  
par. 13,  
amended

(2) Paragraph 13 of subsection 1 of the said section 388 is amended by striking out the words "*The Theatres and Cinematographs Act*" in the second and third lines and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the paragraph, exclusive of the clauses, shall read as follows:

Doors of  
public  
buildings  
Rev. Stat.,  
cc. 111, 126;  
1953, c. 104

13. For regulating, subject to the provisions of *The Egress from Public Buildings Act, The Theatres Act, 1953* and *The Factory, Shop and Office Building Act*,

. . . . .

Rev. Stat.,  
c. 243, s. 388,  
subs. 1,  
amended

(3) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph:

Excavating  
trenches

88a. For regulating and controlling the excavating of trenches and persons doing work in connection therewith and prescribing requirements in respect of the excavating and use of trenches for the protection of persons working therein; and for requiring the submission of plans of trenches and of the shoring and timbering thereof and for charging fees for the inspection and approval of such plans, and for providing for the issue of permits certifying to such approval without which permit no trench may be excavated and for fixing the fees for such permits and for revoking such permits.

Rev. Stat.,  
c. 243, s. 392,  
amended

22. Section 392 of *The Municipal Act* is amended by inserting after the word "municipalities" in the second line the words "and of townships having a population of not less than 10,000", so that the first three lines of the section shall read as follows:

Market  
by-laws

392. Subject to section 393, by-laws may be passed by the councils of urban municipalities and of townships having a population of not less than 10,000 and of townships bordering on a city having a population of not less than 100,000:

. . . . .

**23.** Subsection 4 of section 399 of *The Municipal Act*, as amended by subsection 2 of section 20 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor:

- (4) Subject to subsections 5 to 9, no by-law passed under this section shall apply to any apparatus, device, mechanism or structure referred to in paragraph 1 of subsection 1 on premises which, on the day of the passing of the by-law, are used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

**24.** Paragraph 1 of section 400 of *The Municipal Act* is repealed.

**25.**—(1) Paragraph 1 of section 406 of *The Municipal Act* is amended by inserting after the word “hire” in the third line the words “or any class or classes thereof” and by inserting after the word “fares” in the eighth line the words “for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof”, so that the paragraph shall read as follows:

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof; and for revoking any such licence.

(2) Clause *a* of paragraph 5 of the said section 406, as enacted by section 15 of *The Municipal Amendment Act, 1953*, is amended by striking out the words “for gain” in the second line and by inserting after the word “himself” in the fifth and sixth lines the words “his immediate family”, so that the clause shall read as follows:

- (a) In this paragraph, “taxi-cab broker” means any person who accepts calls in any manner for taxi-cabs used for hire and which are owned by persons other than himself, his immediate family or his employer.

Rev. Stat.,  
c. 243, s. 407,  
amended

**26.** Section 407 of *The Municipal Act* is amended by striking out the words "and towns and of townships bordering on a city" in the first and second lines and inserting in lieu thereof the words "towns, villages and townships", so that the first three lines of the section shall read as follows:

407. By-laws may be passed by the councils of counties, towns, villages and townships and by boards of commissioners of police of cities:

. . . . .

Rev. Stat.,  
c. 243, s. 411,  
repealed

**27.** Section 411 of *The Municipal Act* is repealed.

Rev. Stat.,  
c. 243, s. 412,  
amended

**28.** Section 412 of *The Municipal Act* is amended by striking out the words "of townships bordering on a city having a population of not less than 100,000" in the second and third lines and inserting in lieu thereof the word "townships", so that the first five lines of the section shall read as follows:

412. By-laws may be passed by the councils of towns and villages and townships and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000:

. . . . .

Rev. Stat.,  
c. 243, s. 413,  
par. 4,  
amended

**29.** Paragraph 4 of section 413 of *The Municipal Act* is amended by striking out the words "*The Theatres and Cinematographs Act*" in the second line and inserting in lieu thereof the words "*The Theatres Act, 1953*", so that the paragraph shall read as follows:

Exhibitions,  
bowling  
alleys, etc.  
1953, c. 104

4. For regulating and licensing, subject to the provisions of *The Theatres Act, 1953*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows, public halls and all places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law and for revoking any such licence.

Rev. Stat.,  
c. 243, s. 469,  
subs. 6,  
re-enacted

**30.** Subsection 6 of section 469 of *The Municipal Act* is repealed and the following substituted therefor:

Approval  
of judge  
or county  
council to  
township  
by-law

(6) A by-law of the council of a township passed under clause *c* of subsection 1,

(a) in the case of a township in unorganized territory, shall not have any force until approved by a judge of the district court of the district in which the township is situated;

(b)

(b) in the case of a township separated for municipal purposes from the county in which it is situated, shall not have any force until approved by a judge of the county court of the county in which the township is situated; and

(c) in the case of other townships, shall not have any force until confirmed by a by-law of the council of the county in which the township is situated passed at an ordinary meeting of the council held not sooner than three months or later than one year after the passing of the by-law by the council of the township.

**31.** Subsection 4 of section 476 of *The Municipal Act* is repealed. Rev. Stat.,  
c. 243, s. 476,  
subs. 4,  
repealed

**32.** Paragraph 7 of subsection 1 of section 478 of *The Municipal Act* is amended by striking out the word "township" in the first line and inserting in lieu thereof the word "municipality", so that the paragraph shall read as follows: Rev. Stat.,  
c. 243, s. 478,  
subs. 1,  
par. 7,  
amended

7. By the council of a municipality in unorganized territory for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or in a municipality situate in such adjoining municipality or in an adjoining unorganized township or in adjoining unsurveyed territory or for granting aid to any adjoining municipality or to any municipality situate in such adjoining municipality for any of such purposes. By municipalities in  
unorganized  
territory

**33.** Paragraph 5 of section 479 of *The Municipal Act* is amended by striking out the words "*The Crown Timber Act*" in the third line and inserting in lieu thereof the words "*The Crown Timber Act, 1952*", so that the paragraph shall read as follows: Rev. Stat.,  
c. 243, s. 479,  
par. 5,  
amended

5. For preserving or selling the timber or trees on any original allowance for road, subject however to the rights, if any, of a Crown timber licensee under *The Crown Timber Act, 1952* and, in the case of an unopened original allowance for road, subject also to the approval of the Minister of Lands and Forests. Timber on  
road  
allowances  
1952, c. 15

**34.** Subsection 2 of section 480 of *The Municipal Act* is repealed. Rev. Stat.,  
c. 243, s. 480,  
subs. 2,  
repealed



Rev. Stat.,  
c. 243, s. 500,  
re-enacted

**35.** Section 500 of *The Municipal Act* is repealed and the following substituted therefor:

Rules of  
procedure  
re ss. 498,  
499

500.—(1) The following rules shall apply in proceedings under sections 498 and 499:

1. Opposite the name of every petitioner in the petition there shall be shown, by reference to the number of the lot, the land owned or occupied by him, and, where it is or forms part of a lot on a registered plan, the reference shall be to the number of the lot according to the plan; and the petition shall also show whether the petitioner is a freeholder or resident tenant.
2. A petition shall be deemed to be presented when it is lodged with the clerk and the sufficiency of the petition shall be determined by him and his certificate shall be conclusive in reference thereto.
3. The population of the locality shall be determined in case of dispute in such manner and by such means as the council determines.
4. The by-law shall not be passed before the expiration of one month after the presentation of the petition nor until further notice has been given of the meeting of the council at which it is intended to take it into consideration.
5. The notice shall be published at least once a week for two successive weeks during the two months next preceding the meeting and shall contain a description of the locality sufficiently full to indicate the land which is intended to be included in the proposed police village or to be added to the police village, as the case may be.
6. The clerk shall, forthwith after it is passed, transmit a certified copy of the by-law to the Provincial Secretary who shall cause notice of it to be published in *The Ontario Gazette*.

Finality  
of by-law

- (2) After the expiration of three months from the publication of the notice of the by-law, and after the final disposition of any application to quash it made within that period if the application is unsuccessful,

the



the by-law shall not be liable to be quashed on any ground and the police village thereby erected or the land thereby added, as the case may be, shall be deemed to have been duly erected or added in accordance with this Act.

**36.** *The Municipal Act* is amended by adding thereto the following Part: Rev. Stat.,  
c. 243,  
amended

## PART XXII-A

### IMPROVEMENT DISTRICTS

531a. Every improvement district shall be subject to Part III of *The Department of Municipal Affairs Act*. Rev. Stat.,  
c. 96,  
Part III,  
to apply

531b.—(1) Every improvement district shall be deemed to be for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant-Governor in Council. Nature and  
status

(2) Where, in an improvement district, a high school district is established and a separate school is maintained, one of the trustees appointed under subsection 1 shall be a separate school supporter. Special  
provision  
re trustees

(3) Two members of the board shall be a quorum. Quorum

(4) If a vacancy occurs on the board through death, resignation or otherwise, the vacancy may be filled and the members redesignated by the Lieutenant-Governor in Council. Vacancies

(5) The members of the board, with respect to the improvement district, shall be the members of every local board within the meaning of *The Department of Municipal Affairs Act*, except a local board of health, a separate school board, or a high school board of a high school district established under subsection 3 of section 12 of *The Secondary Schools and Boards of Education Act, 1954*. Board  
deemed to  
be local  
boards  
Rev. Stat.,  
c. 96  
1954, c. 87

(6) The chairman of the board, with respect to the improvement district, shall have the powers and perform the duties of a mayor or reeve and the chairman of every local board of which the members are the members of the board of trustees, and when the improvement district forms part of a county for municipal purposes, he shall be a member of the county council. Chairman

Vice-  
chairman

(7) The vice-chairman of the board, during the absence of the chairman through illness or otherwise or if the office of chairman is vacant, shall have all the powers and perform the duties of the chairman except that he shall not act in the place of the chairman on a county council.

Secretary-  
treasurer

(8) The board shall appoint a secretary-treasurer who may be a member of the board, who shall hold office during pleasure and, with respect to the improvement district, shall have the powers and perform the duties of the clerk, treasurer, assessor and collector of a municipality, and the secretary and treasurer of every local board of which the members are the members of the board of trustees.

Election  
of trustees

531c.—(1) When an improvement district has been in existence for more than three years, the board of trustees may by by-law, passed with the assent of the resident ratepayers, provide for the election of the members of the board, in which case the provisions of this Act with respect to elections shall apply *mutatis mutandis*.

Chairman  
and vice-  
chairman

(2) At the first meeting of the board after each election, the trustees shall elect one of themselves as chairman and another as vice-chairman.

Rev. Stat.,  
c. 243,  
amended

**37.** *The Municipal Act* is amended by adding thereto the following Form:

FORM 10A

(Section 111a (15) )

CERTIFICATE AS TO VOTERS WHO HAVE VOTED  
AT ADVANCE POLL

I, ....., Returning Officer for the municipal election for the ..... of ....., certify that the following voters listed on the Voters' List for Polling Subdivision No. .... of the ..... of ..... have voted at an advance poll held for this election:

Name

Address

.....  
.....

Given under my hand this ..... day of .....,

19.....

A. B.

*Returning Officer.*

Tornado  
relief grants

**38.** Every municipality shall be deemed to have had authority to pass by-laws for making grants to tornado-relief committees established to assist persons who or whose pro-

perty

perty suffered injury or damage through the tornadoes that occurred in Ontario on or about the 21st and 24th days of May, 1953.

**39.** Paragraph 49, except clause *b* thereof, of section 386 of *The Municipal Act*, as re-enacted by subsection 5 of section 10 of *The Municipal Amendment Act, 1953*, does not apply to any municipal plan of sick leave credit gratuities established before the 2nd day of April, 1953. Sick leave credit plans

**40.** This Act comes into force on the day it receives Royal Assent. Commence-ment

**41.** This Act may be cited as *The Municipal Amendment Act, 1954*. Short title



## CHAPTER 57

## An Act to amend The Municipal Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *i* of subsection 10 of section 14 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor:

Rev. Stat.,  
 c. 243, s. 14  
 (1954,  
 c. 56, s. 1),  
 subs. 10,  
 cl. *i*, re-  
 enacted

- (i) where by reason of any annexation order made under this section the taxable assessment of a local municipality is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to the effective date of such annexation, authorize and direct the payment to such municipality by the annexing municipality, to relieve such municipality from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipalities and approved by the Board or, failing agreement, as the Board may deem equitable;
- (j) where by reason of any annexation or amalgamation order made under this section a county will be deprived of not less than 15 per cent of its equalized assessment, authorize and direct the payment to such county by the annexing or amalgamated municipality, to relieve such county from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation or amalgamation in such amounts and manner as may be agreed upon between the county and the annexing or amalgamated municipality and approved by the Board or, failing agreement, as the Board may deem equitable;

(k)



- (k) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the amalgamation or annexation provided for in such order.

Rev. Stat.,  
c. 243, s. 14  
(1954,  
c. 56, s. 1),  
subss. 14-17,  
re-enacted

- (2) Subsections 14 to 17 of the said section 14 are repealed and the following substituted therefor:

Decision  
granting  
annexation  
or amal-  
gamation  
Rev. Stat.,  
c. 262

- (14) Section 97 of *The Ontario Municipal Board Act* shall not apply to a decision of the Municipal Board providing for an annexation or amalgamation and such decision,

(a) shall be in writing;

(b) shall identify the area to be annexed or amalgamated; and

(c) shall fix the date when the annexation or amalgamation shall be effective,

and a copy of the decision shall be sent by the secretary of the Board by registered letter to the clerk of every municipality, including every county, affected by the decision, and to such other persons as the Board may direct.

Notice of  
objection

- (15) No order shall be made under subsection 2 until the expiration of twenty-eight days after the mailing of the copies of the decision under subsection 14 and, within such period of twenty-eight days, notice of objection to the decision may be filed with the Clerk of the Executive Council.

Idem

- (16) For the purposes of subsection 15, the notice of objection means an objection in writing, giving reasons therefor, that, according to the certificate of the clerk of the municipality, is signed by not less than 10 per cent of the persons qualified to vote on money by-laws who are resident in,

(a) the municipality that has applied for the order; or

(b) the area which by the decision is to be annexed to or amalgamated with the applicant municipality,

and includes, where there are no persons qualified to vote on money by-laws who are resident in the

area to be annexed, an objection in writing, giving reasons therefor, authorized by by-law of the council of the municipality in which such area is situated.

- (17) An objection filed under subsection 15 may be withdrawn by the filing with the Clerk of the Executive Council, at any time before the Lieutenant-Governor in Council has made an order under subsection 18, of a notice in writing of such withdrawal signed by one-third or more of the objectors or, where the objection was authorized by the council of a municipality, of a certified copy of a by-law repealing the authorizing by-law. Withdrawal of objection
- (18) Where an objection is filed in accordance with subsections 15 and 16 and is not withdrawn, the Lieutenant-Governor in Council may by order, Powers of Lieutenant-Governor in Council
- (a) confirm the decision of the Municipal Board; or
  - (b) require the Municipal Board to hold a new public hearing of the annexation or amalgamation application before such members of the Board as the Lieutenant-Governor in Council may designate.
- (19) The decision of the Municipal Board, Finality of decision
- (a) where no objection is filed in accordance with subsections 15 and 16 or where the objections thereto are withdrawn in accordance with subsection 17; or
  - (b) when confirmed by the Lieutenant-Governor in Council; or
  - (c) after a new public hearing ordered by the Lieutenant-Governor in Council,
- shall be final and not open to appeal, and the Board may thereupon make an order under subsection 2.
- (20) Nothing in this section affects the application of section 98 of *The Ontario Municipal Board Act*. Application of Rev. Stat., c. 262, s. 98
- (21) Where part of a local municipality becomes part of a local municipality in another county, it shall thereafter form part of that county except for the purpose of representation in the Assembly. Adding territory to municipality in another county

Rev. Stat.,  
c. 243, s. 15  
(1954,  
c. 56, s. 1),  
subs. 3,  
amended

**2.** Subsection 3 of section 15 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the word and figures "14, 15 and 16" in the first and second lines and inserting in lieu thereof the words and figures "and 14 to 20", so that the subsection shall read as follows:

Application  
of s. 14

(3) The provisions of section 14, except subsections 4 and 14 to 20, shall apply *mutatis mutandis* to an application under this section.

Rev. Stat.,  
c. 243, s. 16  
(1954, s. 1),  
c. 56, s. 1),  
subs. 5,  
amended

**3.** Subsection 5 of section 16 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the word and figures "14, 15 and 16" in the first and second lines and inserting in lieu thereof the word and figures "14 to 20", so that the subsection shall read as follows:

Application  
of s. 14

(5) The provisions of section 14, except subsections 14 to 20, shall apply *mutatis mutandis* to an application under subsection 3.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Municipal Amendment Act, 1954 (No. 2)*.

## CHAPTER 58

**An Act to amend  
The Municipal Corporations Quieting Orders Act**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *d* of section 1 of *The Municipal Corporations Quieting Orders Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 245, s. 1,  
cl. *d*,  
re-enacted

- (*d*) "quieting order" means an order establishing the legal existence or corporate status of a municipality, or establishing its proper area and boundaries or any of its boundaries, in order to quiet doubts affecting the same.

**2.** Subsection 1 of section 3 of *The Municipal Corporations Quieting Orders Act* is amended by inserting after the word "municipality" in the third line the words "or any of its boundaries", so that the subsection shall read as follows: Rev. Stat.,  
c. 245, s. 3,  
subs. 1,  
amended

- (1) Where the council of a municipality is aware of any doubt affecting the legal existence or corporate status or proper area and boundaries of the municipality, or any of its boundaries, it may apply to the Board for a quieting order. Application  
for quieting  
order

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Municipal Corporations Quieting Orders Amendment Act, 1954*. Short title





## CHAPTER 59

## An Act to amend The Municipal Drainage Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Municipal Drainage Act* is amended by inserting after the word "road" where it occurs the first time in the eighth line the words "or, in the case of a road under the jurisdiction of a city, town or village, signed by the engineer of the municipality", so that the subsection shall read as follows:

Rev. Stat.,  
c. 246, s. 2,  
subs. 2,  
amended

- (2) The provisions of this Act shall apply and extend to any case where the drainage work is required for the drainage of a road or portion thereof, and in any such case the municipal council may proceed upon a petition describing the road or part of road to be drained, and signed by the engineer or road superintendent appointed under *The Highway Improvement Act* by the department, county, commission or township having control over the road or, in the case of a road under the jurisdiction of a city, town or village, signed by the engineer of the municipality, and where the road forms the boundary between two municipalities, the council of either municipality may proceed on such petition.

Initiating  
proceedings  
for drainage  
of highway

Rev. Stat.,  
c. 166

2. Section 83 of *The Municipal Drainage Act* is amended by striking out the symbol and figures "\$100" in the thirteenth line and inserting in lieu thereof the symbol and figures "\$1,000", so that the section shall read as follows:

Rev. Stat.,  
c. 246, s. 83,  
amended

83. The council of any municipality may by by-law direct that the inspector appointed under section 82 shall from time to time remove from any drainage work all weeds and brushwood, fallen timber or other minor obstructions for which the owner of the lands adjacent to the drainage work may not be responsible, and the cost of such work shall be chargeable from time to time against the lands

Minor  
repairs

assessed

assessed for the maintenance of the drainage work and in the proportion fixed by the by-law authorizing the drainage work, but it shall not be necessary to assess and levy the amount so charged more than once in every five years after the passing of such first-mentioned by-law, unless in the meantime the total expense incurred exceeds the sum of \$1,000.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Municipal Drainage Amendment Act, 1954*.

## CHAPTER 60

**An Act to amend The Municipal Franchises Act**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 6 of *The Municipal Franchises Act* is amended by adding thereto the following clause: Rev. Stat.,  
c. 249, s. 6,  
amended

- (aa) granting the right of passing through the municipality with a line to transmit gas not intended to be distributed from such line in the municipality or only intended to be distributed from such line in the municipality to a person engaged in the transmission or distribution of gas.

**2.—**(1) Subsections 1 and 2 of section 8 of *The Municipal Franchises Act* are repealed and the following substituted therefor: Rev. Stat.,  
c. 249, s. 8,  
subss. 1, 2,  
re-enacted

- (1) Notwithstanding anything in this or in any other general or special Act, no person shall construct any works to supply or supply, Approval  
for con-  
struction of  
gas works  
or supply of  
gas in muni-  
cipality
- (a) natural gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas; or
- (b) gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas and in which gas was then being supplied,

without the approval of the Ontario Fuel Board and such approval shall not be given unless public convenience and necessity appear to require that such approval be given.

- (2) The approval of the Ontario Fuel Board shall be in the form of a certificate. Form of  
approval

Rev. Stat.,  
c. 249, s. 8,  
subs. 3,  
amended

(2) Subsection 3 of the said section 8 is amended by striking out the word "Municipal" in the first line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,  
c. 249, s. 8,  
subs. 4,  
amended

(3) Subsection 4 of the said section 8 is amended by striking out the word "Municipal" in the third line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,  
c. 249, s. 8,  
subs. 5,  
amended

(4) Subsection 5 of the said section 8 is amended by striking out the word "Municipal" in the first line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,  
c. 249, s. 8,  
subs. 6,  
amended

(5) Subsection 6 of the said section 8 is amended by striking out the word "Municipal" in the third line and inserting in lieu thereof the word "Fuel".

Rev. Stat.,  
c. 249, s. 8,  
subs. 7,  
amended

(6) Subsection 7 of the said section 8 is amended by striking out the words "*The Ontario Municipal Board Act*" in the first and second lines and inserting in lieu thereof the words "*The Ontario Fuel Board Act, 1954*".

Rev. Stat.,  
c. 249,  
amended

**3.** *The Municipal Franchises Act* is amended by adding thereto the following section:

Interpre-  
tation

9.—(1) In this section, "natural gas" includes any mixture of natural gas and manufactured gas, and any mixture of natural gas and propane or butane or other hydro-carbon.

Natural gas  
franchise  
by-laws to  
be approved  
by Fuel  
Board

(2) No by-law granting,

- (a) the right to construct or operate works for the distribution of natural gas;
- (b) the right to supply natural gas to a municipal corporation or to the inhabitants of a municipality;
- (c) the right to extend or add to the works mentioned in clause *a* or the services mentioned in clause *b*;
- (d) a renewal of or an extension of the term of any right mentioned in clause *a* or *b*,

shall be submitted to the municipal electors for their assent unless the terms and conditions upon which and the period for which such right is to be granted, renewed or extended have first been approved by the Ontario Fuel Board.

(3) The Ontario Fuel Board has and may exercise juris-<sup>Jurisdiction</sup>  
diction and power necessary for the purposes of this <sup>of Fuel</sup> Board  
section and may give or refuse its approval.

(4) Upon an application for approval under this section, <sup>Application</sup>  
the provisions of section 8 apply *mutatis mutandis*. <sup>of s. 8</sup>

4. This Act comes into force on a day to be named by the <sup>Commence-</sup>  
Lieutenant-Governor by his Proclamation. <sup>ment</sup>

5. This Act may be cited as *The Municipal Franchises* <sup>Short title</sup>  
*Amendment Act, 1954*.





## CHAPTER 61

**An Act to amend  
The Municipal Subsidies Adjustment Act, 1953**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Municipal Subsidies Adjustment Act, 1953* is <sup>1953, c. 71,</sup> amended by adding thereto the following sections:

**3a.**—(1) The Minister of Municipal Affairs shall in each <sup>Adjustment</sup> year adjust the payments to municipalities under <sup>of payments</sup> *The Municipal Unconditional Grants Act, 1953* so <sup>under 1953,</sup> that no municipality shall receive less in such year <sup>c. 72</sup> under *The Municipal Unconditional Grants Act, 1953*, *The Fire Departments Act* and *The Police Act* than it <sup>Rev. Stat.,</sup> received in 1953 in respect of the maintenance and <sup>cc. 138, 279</sup> operation of its fire department and police force under *The Fire Departments Act* and *The Police Act* and in respect of the one mill subsidy.

(2) This section does not apply to a municipality the <sup>Proviso</sup> population of which, due to a decrease in population, has been redetermined under subsection 3 of section 3 of *The Municipal Unconditional Grants Act, 1953*.

**3b.** Notwithstanding the provisions of *The Municipal* <sup>Adjustment</sup> *Unconditional Grants Act, 1953*, where part of a rural <sup>of payments</sup> municipality is annexed to an urban municipality, <sup>under 1953,</sup> the Minister of Municipal Affairs shall adjust the <sup>c. 72 on</sup> payments under the said Act for the first five years <sup>annexations</sup> immediately following the annexation, so that,

(a) the assessed population of the annexed area at the time of the annexation shall be included in determining the population of the rural municipality and shall not be included in determining the population of the urban municipality; and

(b)

- (b) the urban municipality shall receive a per capita payment under the said Act on the assessed population of the annexed area at the time of the annexation at a per capita rate equal to the amount, if any, by which the per capita rate to which the urban municipality is entitled exceeds the per capita rate to which the rural municipality is entitled.

Commence-  
ment

**2.** This Act shall be deemed to have come into force on the 31st day of December, 1953.

Short title

**3.** This Act may be cited as *The Municipal Subsidies Adjustment Amendment Act, 1954*.

## CHAPTER 62

## An Act to amend The Ontario Cancer Treatment and Research Foundation Act, 1943

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Ontario Cancer Treatment and Research Foundation Act, 1943* is amended by striking out the words <sup>c. 19, s. 1, amended</sup> "and not more than ten" in the fourth and fifth lines, so that the section shall read as follows:

1. There shall be established a corporation to be known as The Ontario Cancer Treatment and Research Foundation, herein referred to as "the Foundation", which shall be a body corporate and shall consist of not less than seven members who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>

**3.** This Act may be cited as *The Ontario Cancer Treatment and Research Foundation Amendment Act, 1954*. <sup>Short title</sup>





## CHAPTER 63

**An Act to establish the Ontario Fuel Board**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpre-  
tation

- (a) "Board" means Ontario Fuel Board established under this Act;
- (b) "fuel" means natural gas, coal, coke or lignite;
- (c) "inspector" means inspector appointed under this Act;
- (d) "natural gas" includes any mixture of natural gas and manufactured gas, and any mixture of natural gas and propane or butane or other hydro-carbon;
- (e) "person" in addition to its meaning in *The Interpretation Act* includes a municipality; Rev. Stat.,  
c. 184
- (f) "well" means a well bored, drilled or dug or a shaft sunk for oil or natural gas.

**2.—(1)** There shall be a board known as the Ontario Fuel Board which shall consist of not less than three and not more than five commissioners as the Lieutenant-Governor in Council may from time to time determine. Ontario  
Fuel Board  
established

(2) The commissioners shall be appointed by the Lieutenant-Governor in Council and one of them shall be designated as chairman and one of them as vice-chairman. Appoint-  
ment

**3.** Vacancies in the membership of the Board caused by death, resignation or otherwise may be filled by the Lieutenant-Governor in Council. Vacancies

**4.** Two members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board, except that where in the opinion of the chairman

or vice-chairman of the Board an emergency exists, the chairman or vice-chairman, as the case may be, constitutes a quorum of the Board.

Power to  
administer  
oaths

**5.** Every member of the Board has for the purposes of this Act the same powers as a commissioner for taking affidavits in Ontario.

Staff

**6.** The staff of the Board shall consist of a secretary and such inspectors and other officers and employees as may be deemed necessary.

Action not  
to lie for  
things done  
under Act

**7.** No action or other proceeding lies against the Board or any member of the Board or any officer, agent or employee of the Board for anything done or purporting to be done under or in pursuance of this Act.

Certified  
copies of  
documents

**8.** Upon the application of any person and on payment of the prescribed fee, the secretary shall deliver to such person a certified copy of any regulation or order of the Board.

Assistance

**9.** The Lieutenant-Governor in Council upon the recommendation of the Board may appoint from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.

Money

**10.** The moneys required for the purposes of the Board shall be paid out of the Consolidated Revenue Fund.

Execution  
of orders

**11.** Every order or other document made or issued by the Board is effective if signed by two members of the Board, one of whom shall be the chairman or the vice-chairman of the Board.

Orders may  
be general  
or parti-  
cular

**12.** An order of the Board may be general or particular in its application territorially or as to time or otherwise.

Rev. Stat.,  
c. 337 not  
to apply

**13.** *The Regulations Act* does not apply to any order of the Board.

General  
power to  
make orders

**14.** The Board may control and regulate the location, spacing, boring, drilling, digging, protecting, plugging and closing of wells and may make orders with respect thereto.

Idem

**15.—(1)** The Board may control and regulate the production, storage, transmission, distribution, sale, disposal, supply and use of natural gas in Ontario and may make orders with respect thereto.

(2) Where an order is made under subsection 1 and agree-<sup>Amount to be paid</sup>ment has not been or cannot be reached as to the amount to be paid by a person to another person, the Board, after having given such persons an opportunity to be heard, may by order fix such amount.

**16.—**(1) Without restricting the generality of section 15,<sup>Rates</sup> the Board may make orders fixing the rates, meter rentals and other charges to be paid by ultimate consumers of natural gas.

(2) No new rates, meter rentals or other charges and no<sup>New rates</sup> alteration of existing rates, meter rentals or other charges to be charged to ultimate consumers of natural gas shall be put into effect until ordered by the Board.

(3) No order shall be made under subsection 1 without a<sup>Hearing</sup> hearing unless the municipality or other interested party and the distributor concerned consent thereto.

(4) Where the rates, meter rentals and other charges are<sup>Public utilities</sup> those to be paid to a publicly-owned utility and the Ontario Municipal Board has made an order with respect thereto, the Board shall have regard to such order.

**17.** The Board may at any time and from time to time<sup>Power of review</sup> rehear or review any application before deciding it and may by order rescind, change, alter or vary any order made by it or made under *The Fuel Supply Act*, *The Natural Gas Conservation Act* or *The Well Drillers Act*.<sup>Rev. Stat., cc. 152, 251, 423</sup>

**18.—**(1) No order shall be made that has the effect of<sup>Notice</sup> destroying, suspending, limiting or interfering with the rights of any person without such notice as the Board considers proper having first been given to such person and without such person being given a reasonable opportunity of presenting his views to the Board.

(2) An order of the Board is a good and sufficient defence<sup>Obedience to orders of Board a good defence</sup> to any action or other proceeding brought or taken against any person producing, storing, transmitting, distributing, selling, disposing of, supplying or using natural gas in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order.

**19.** A certified copy of an order of the Board under this or any other Act may be filed in the office of the Registrar of the Supreme Court and thereupon it becomes a judgment or order of the Supreme Court enforceable in the same manner as a judgment or order of that court to the like effect.<sup>Enforcement of orders</sup>

Costs

**20.**—(1) The costs of and incidental to any proceeding before the Board shall be in its discretion and may be fixed in any case at a sum certain or may be taxed.

Idem

(2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

Idem

(3) The Board may prescribe a scale under which such costs shall be taxed.

Sittings,  
witnesses,  
etc.

**21.**—(1) The Board may hear any application or deal with any matter at any place in Ontario that it may appoint and has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Witness  
fees

(2) Every person summoned to attend before the Board shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court.

Stated case

**22.**—(1) The Board may, at the request of the Lieutenant-Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

Idem

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon.

Lieutenant-  
Governor  
may rescind  
orders of  
Board

**23.** The Lieutenant-Governor in Council may at any time upon petition of any party, all parties first having been given such notice as the Lieutenant-Governor in Council deems appropriate, vary or rescind any order of the Board whether the order was made *inter partes* or otherwise, and any order that the Lieutenant-Governor in Council makes with respect thereto is binding upon the Board and all parties.

Appeal to  
Court of  
Appeal

**24.**—(1) An appeal lies to the Court of Appeal from any order of the Board made under section 14 or 15 upon a question of jurisdiction or upon a question of law or from any order of the Board made under section 16 upon any question whatever, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows.



(2) Upon such leave being obtained, the registrar shall set the appeal down for hearing at the next sittings of the Court and the party appealing shall, within ten days, give to the parties affected by the appeal, or to the solicitors by whom such parties were represented before the Board, and to the Board, notice in writing that the case has been so set down, and the appeal shall be heard and disposed of by the Court as speedily as practicable.

Notice of  
appeal

(3) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Board may  
be heard

(4) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion.

Board to act  
on Court's  
opinion

(5) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, but until such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section.

Costs,  
rules of  
practice

(6) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section.

Board not  
liable for  
costs

(7) Every order of the Board takes effect at the time prescribed in the order and its operation is not suspended by an appeal to the Court of Appeal, unless the Court otherwise orders.

Orders to  
take effect  
notwith-  
standing  
appeal

**25.** No owner or lessee of land shall at any time consume more than a reasonable quantity of gas under a right given to him by his lease or other agreement and the Board, at the request of any person, may determine and by order fix what is a reasonable quantity in any case.

Right of  
land owner  
to consume  
gas

**26.** If the owner of any petroleum or natural gas rights within any portion of an area designated as a natural gas storage area and the person storing or proposing to store natural gas therein are unable to agree as to the amount, time or manner of payment of the compensation, if any, for the petroleum and natural gas rights or the right to store natural gas, the judge of the county or district court of any county or district in which any part of the natural gas storage area is situate, on the application of either party, may determine the matter in dispute and the decision of the judge thereon shall be final and conclusive.

Determina-  
tion of  
compensa-  
tion for  
storage  
rights

**27.** Where the Board is of the opinion that a well may produce helium, argon or any other of the rare gases in

Rare gases

commercial



commercial quantities, the Board may order the well to be closed until such steps have been taken as the Board directs for the conservation or production of the helium, argon or other of the rare gases.

Power to enter property, etc.

**28.** For the purposes of this Act, any member of the Board or any inspector or other officer or employee of the Board or any other person authorized by the Board may at any time enter upon, pass over, take up or use any private property or the property of any municipality or local board thereof or of the Crown or any agency of the Crown.

Failure to comply with order, etc.

**29.**—(1) Where a person fails to do anything prescribed by order of the Board or by the regulations under this Act, the Board may cause such thing to be done, and the expenses so incurred shall, when certified by the Board in writing, be a debt due from such person to the Crown and shall be recoverable with costs by action in a court of competent jurisdiction.

Abandoned pipe lines and wells

(2) In the exercise of its powers under subsection 1 with respect to an abandoned pipe line or well, the Board may take possession of and remove and sell by public auction any pipe, casing, tubing and equipment recovered from or connected with the line or well, and any surplus proceeds of such sale over and above the expenses of the removal and sale shall be paid to the owner of the line or well.

Prohibitions

**30.** No person shall acquire any oil or natural gas rights or bore, drill or prospect for oil or natural gas or produce, transmit or distribute natural gas unless he is the holder of a licence for such purpose.

Idem

**31.** No person shall use natural gas for any industrial purpose unless he is the holder of a permit for such purpose.

Offences and penalties

**32.** Every person who,

- (a) contravenes or fails to comply with any provision of this Act or the regulations made under this Act or any order of the Board; or
- (b) unduly wastes or causes to be unduly wasted any natural gas; or
- (c) tampers or interferes with any works, pipe line, plant, machinery or equipment for the production, storage, transmission, distribution or measurement of natural gas without authority so to do,

is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

**33.** The provisions of this Act, including the powers to make orders and regulations, apply to the transmission, distribution and use of and to the rates chargeable for any manufactured gas that may be produced at any plant designated by the Lieutenant-Governor in Council.

Extension  
of Act to  
plants  
manufactur-  
ing gas

**34.** Subject to the approval of the Lieutenant-Governor in Council, the Board may, where it considers such steps are necessary for the maintenance of the coal, coke and lignite supplies of the Province, make orders to control the acquisition, preparation, transportation and distribution of coal, coke and lignite for such periods as may be considered proper.

Coal, etc.

**35.** Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,

Power to  
make regu-  
lations

- (a) regulating and controlling the construction, erection, alteration, installation or acquisition of works, pipe lines, plant, machinery or equipment for the production, storage, transmission, distribution or measurement of natural gas;
- (b) regulating and controlling the installation, use and removal of appliances using natural gas;
- (c) limiting, restricting or taking away any rights to the use and consumption of natural gas without charge or at a reduced rate;
- (d) designating any area as a natural gas storage area in respect of any geological formation or formations for the injection, storage and removal of natural gas, and for prohibiting therein drilling or boring or sinking or operating shafts or wells of any kind without the consent of the Board;
- (e) requiring dry and abandoned wells to be plugged and protected and prescribing the methods and requirements to be observed in plugging and protecting such wells;
- (f) respecting the method of boring, drilling, digging or sinking wells, and the protection of wells during such operations;
- (g) providing for the issue of licences for machines for boring or drilling wells;
- (h) requiring persons prospecting for oil or natural gas to furnish such reports, returns, geological and other information and samples as may be prescribed;

- (i) regulating and controlling the location and spacing of wells;
- (j) for the conservation of natural gas and oil;
- (k) providing for the issue of permits for the installation of appliances for the use of natural gas;
- (l) providing for the issue of permits for the use of natural gas for industrial purposes;
- (m) providing for the issue of licences for the acquisition of oil or natural gas rights, the prospecting for oil or natural gas or the production, transmission or distribution of natural gas;
- (n) prescribing terms and conditions upon which any permit or licence may be issued;
- (o) prescribing the fee payable for any permit or licence or any renewal thereof;
- (p) providing for the renewal, suspension or cancellation of any permit or licence;
- (q) requiring and prescribing the form of and the particulars to be contained in annual or other returns to the Board by persons producing, storing, transmitting or distributing natural gas and oil;
- (r) prescribing rules of practice and procedure applicable to proceedings before the Board under this or any other Act, the form of documents to be used in such proceedings and the fees payable therein and for certified copies of documents;
- (s) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

## Conflict

**36.**—(1) In the event of conflict between this Act and any general or special Act, this Act prevails.

## Idem

(2) In the event of conflict between any regulation or order made under this Act and any regulation, order, rule or decision made under any general or special Act, the regulation or order made under this Act prevails.

Existing regulations and orders continued  
Rev. Stat., c. 152, 251, 423

**37.** Every regulation and order made under *The Fuel Supply Act*, *The Natural Gas Conservation Act* or *The Well Drillers Act* that is in force on the day this Act comes into force shall remain in force until rescinded or amended by the Board.

**38.** Every order referred to in section 37 and all other documents, papers and records relevant thereto in the possession of the Minister of Mines, the Fuel Controller, the Natural Gas Commissioner and the Natural Gas Referee when this Act comes into force shall be transferred to and remain in the possession of the Board.

Transfer of  
documents  
to Board

**39.** *The Fuel Supply Act, The Natural Gas Conservation Act, The Natural Gas Conservation Amendment Act, 1951, The Natural Gas Conservation Amendment Act, 1952 and The Well Drillers Act* are repealed.

Rev. Stat.,  
cc. 152, 251;  
1951, c. 54;  
1952, c. 67;  
Rev. Stat.,  
c. 423,  
repealed

**40.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence  
ment

**41.** This Act may be cited as *The Ontario Fuel Board Act, 1954*.

Short title





## CHAPTER 64

**An Act respecting Certain Lands in the City of  
Port Arthur occupied by the Ontario  
Hospital, Port Arthur**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The agreement dated the 11th day of March, 1954, between Her Majesty the Queen in right of the Province of Ontario as represented therein by the Honourable William Griesinger, Minister of Public Works for the Province of Ontario, and The Corporation of the City of Port Arthur, set forth as Schedule A to this Act, is hereby validated, ratified and confirmed. Validation of agreement

**2.** The Corporation of the City of Port Arthur shall be deemed to have had and has authority to acquire the lands set forth in the schedule to the agreement mentioned in section 1 for the purposes set forth in such agreement. Authority of City to acquire lands

**3.** The Corporation of the City of Port Arthur shall be deemed to have had and has authority to make expenditures for the purposes set forth in the agreement mentioned in section 1. Authority of City to make expenditures

**4.** By-law No. 2246 of The Corporation of the City of Port Arthur, set forth as Schedule B to this Act, is hereby validated, ratified and confirmed and the certain streets and lanes and portions of streets and lanes mentioned in such by-law are hereby declared to have been closed and to have vested in The Corporation of the City of Port Arthur on the effective date of such by-law. Validation of By-law No. 2246 of City

**5.** The Corporation of the City of Port Arthur is hereby authorized to convey and assure to Her Majesty the Queen in right of the Province of Ontario in accordance with the agreement mentioned in section 1 the lands described in the schedule to such agreement. Authority of City to convey lands

**6.** This Act may be cited as *The Ontario Hospital, Port Arthur, Act, 1954*. Short title

## SCHEDULE A

MEMORANDUM OF AGREEMENT made this 11th day of March, 1954.

BETWEEN:

HER MAJESTY THE QUEEN in right of the Province of Ontario as represented herein by the Honourable William Griesinger, Minister of Public Works for the Province of Ontario, hereinafter called "the Province"

OF THE FIRST PART

—and—

THE CORPORATION OF THE CITY OF PORT ARTHUR  
hereinafter called "the City"

OF THE SECOND PART.

WHEREAS the Province and the City are both desirous that a Mental Hospital should be erected at the City of Port Arthur, in the Province of Ontario.

AND WHEREAS the City is desirous of donating to the Province the lands described in the Schedule hereto and delineated and marked in red on the plan annexed and both of which Schedule and plan are signed as relative hereto, for the purpose of construction of a Mental Hospital.

AND WHEREAS the Province has undertaken to construct a Mental Hospital on the said lands provided the said lands are donated to the Province.

AND WHEREAS the City has constructed the sewers aftermentioned for the use of the said Mental Hospital.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the mutual undertakings, covenants and agreements herein, the parties hereto agree as follows:

1. The Province will forthwith construct at its own expense a Mental Hospital upon the lands described in the Schedule hereto.

2. The City will forthwith convey and assure or cause to be conveyed and assured to the Province at the expense of the City the lands described in the Schedule hereto in fee simple with an absolute title and free of encumbrances.

3. The City having constructed a sanitary sewer and a storm sewer originating North of the lands described in the Schedule hereto, then running south through the said lands, then emerging on Algoma Street at Clarke Street and proceeding along Algoma Street to connect up with the Clavet Street sewer for the use of the said Mental Hospital, the City at its own expense will maintain, repair and replace the said sewers and will permit the said Mental Hospital to discharge its storm water and sanitary sewage into such sewers free of all charges forever.

4. The City will have prepared a survey of the lands described in the Schedule hereto and other lands and will register a plan of re-sub-division of the same showing the lands described in the Schedule hereto as one lot and shall convey the lands described in the Schedule hereto to the Province as such, after registration of the said Plan.

5. The Province will make application to the Legislative Assembly of the Province of Ontario forthwith for:

- (i) validation of this Agreement,
- (ii) authorization of the City to acquire the lands described in the Schedule hereto or any part of them, for the purposes herein set forth, by agreement of purchase and sale or by expropriation, or otherwise,
- (iii) validation of any acquisition by the City of any part or parts of the lands described in the Schedule hereto or other expenditure by the City, heretofore carried out for the purposes set forth in this agreement, and
- (iv) validation of By-law Number 2246 of the Corporation of the City of Port Arthur which by-law closed or purported to close certain streets and lanes and a declaration that all streets, lanes and portions of streets and lanes therein mentioned have been stopped up and closed and are vested in the Corporation of the City of Port Arthur.

6. This Agreement shall enure to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year first above written.

WITNESS:

(Seal)

(Seal)

W. GRIESINGER,  
*Minister.*

THE CORPORATION OF THE CITY OF  
PORT ARTHUR

FRED O. ROBINSON,  
*Mayor.*

ARTHUR H. EVANS,  
*Clerk.*

#### *Schedule*

Description of part of the North Subdivision of Section 37, McIntyre, part of Mining Location 1E, part of Registered Plan 59, part of Registered Plan 617, part of Registered Plan 208, and part of Registered Plan 121, City of Port Arthur.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Port Arthur in the District of Thunder Bay and being composed of parts of Lots "B" and "C", Registered Plan 59; part of Mining Location 1E; part of the North subdivision of Section 37 (McIntyre); Blocks 23 to 27 inclusive, Lots 3 to 11 inclusive, and parts of Lots 12 to 15 inclusive, and lanes in Block 28, Blocks 29 to 35 inclusive, Lots 2 to 26 inclusive, and part of Lot One (1) and lanes in Block 36, parts of Beck, MacDougall, Powley, McCullough, Nelson, Urry, and Douglas Streets, and part of Clarke Street, in Registered Plan 121; Lots 7 to 26 inclusive, Lots 37 to 57 inclusive, Lots 63 to 93 inclusive, Lots 94 to 186 inclusive, and lanes included therein, Registered Plan 617; Lots 79 to 84 inclusive, Lots 125 to 130 inclusive, Lots 131 to 136 inclusive, and lanes included therein, Registered Plan 208; and parts of Milne, Oswald, Vera, Gertrude and Lawrence Avenues and Clarke Street as shown on Registered Plans 208 and 617; more particularly described as follows:

COMMENCING at the most easterly angle of Lot Three (3), Block twenty-eight (28) as shown on plan of subdivision registered in the Registry Office for the Registry Division of Port Arthur as Number 121, to the said point being also in the north west limit of Algoma Street;

Thence south fifty-one (51) degrees and twenty-two (22) minutes west along the said limit of Algoma Street, one thousand and nine hundred and forty-eight and five tenths (1,948.5) feet, more or less, to the most southerly angle of Block twenty-three (23) as shown on the said Plan 121;

Thence

Thence north thirty-eight (38) degrees and thirty-eight (38) minutes west along the south westerly limit of the said Block Twenty-three (23) and the production thereof, two hundred and twenty-six and eight tenths (226.8) feet, more or less, to intersect the production easterly of the northerly limit of Alberta Avenue as shown on Registered Plan Number 617;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the said limit of Alberta Avenue and production thereof, three hundred and sixty-three and four tenths (363.4) feet, more or less, to the south east angle of Lot Six (6) as shown on the said Plan Number 617;

Thence north one (1) degree, forty-six (46) minutes and thirty (30) seconds west along the east limit of the said Lot Six (6), one hundred and eighteen (118) feet to the north east angle of the said Lot;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the north limit of the said Lot Thirty-three (33) feet to the north west angle of the said Lot Six (6);

Thence north one (1) degree and forty-six (46) minutes and thirty (30) seconds west along the west limits of Lots Twenty-six (26), Thirty-seven (37) and Fifty-seven (57) and the productions thereof, five hundred and eighteen (518) feet to the south east angle of Lot Sixty-seven (67) as shown on Registered Plan 617, which is also in the north limit of Gertrude Avenue;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the north limit of Gertrude Avenue, one hundred and seventy-one and six tenths (171.6) feet, more or less, to the south west angle of Lot Sixty-three (63) as shown on the said Plan 617;

Thence north one (1) degree, forty-six (46) minutes and thirty (30) seconds west along the west limit of Lots Sixty-three (63) and Ninety-three (93) and their productions, three hundred and eighteen (318) feet, more or less, to the south east angle of Lot Eighty-one (81) as shown on Registered Plan 208; which is also in the north limit of Vera Avenue;

Thence south eighty-nine (89) degrees, fourteen (14) minutes and thirty (30) seconds west along the north limit of Vera Avenue, one hundred and twenty-three and one tenth (123.1) feet, more or less, to the westerly limit of a lane as shown on Registered Plan 208;

Thence north one (1) degree, forty-five (45) minutes and thirty (30) seconds west along the westerly limit of the said lane and the production thereof, nine hundred and fifty-eight and six tenths (958.6) feet, more or less, to the south limit of Lot "C", as shown on Registered Plan Number 59;

Thence north one (1) degree, thirty-one (31) minutes and thirty (30) seconds west and parallel to the west limit of the said Lot "C", one thousand and nine hundred and sixty-five (1,965) feet, more or less, to intersect a line drawn on a bearing of south eighty-nine (89) degrees, ten (10) minutes and thirty (30) seconds east from a point in the east limit of Toledo Street, where it is intersected by the production easterly of the southerly limit of Superior Avenue, as shown on Registered Plan Number 363;

Thence south eighty-nine (89) degrees, ten (10) minutes and thirty (30) seconds east nine hundred and twelve and thirty-eight hundredths (912.38) feet;

Thence south twenty-five (25) degrees and twenty-three (23) minutes east one thousand and two hundred and forty-four and thirty-nine hundredths (1,244.39) feet;

Thence south forty-four (44) degrees and twenty (20) minutes east seven hundred and eighty-four and sixty-three hundredths (784.63) feet;



Thence south nineteen (19) degrees and fifty-nine (59) minutes east one thousand and one hundred (1,100) feet, more or less, to the most northerly angle of Lot Three (3), Block Twenty-eight (28), Registered Plan 121;

Thence south thirty-eight (38) degrees and twenty-five (25) minutes east one hundred and fifty (150) feet, more or less, to the point of commencement.

(PLAN ATTACHED)

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## SCHEDULE B

### BY-LAW NUMBER 2246

A By-law to stop up and close certain streets and lanes and portions of streets and lanes forming part of Registered Plans 59, 121, 208 and 617.

WHEREAS the lands adjacent to the streets and lanes hereinafter stopped up and closed have been or hereafter will be conveyed to the Province of Ontario for the purposes of a Mental Hospital site and the said streets and lanes and portions of streets and lanes hereinafter stopped up and closed are required for purposes of the said Mental Hospital site.

AND WHEREAS for the said purpose it is advisable and expedient that the said streets and lanes and portions of streets and lanes be stopped up and closed.

AND WHEREAS Notice of this By-law and of the intention of the Council to pass the same on the 14th day of March, A.D. 1938 has been published prior to the passing of this By-law for at least four successive weeks in the *News-Chronicle*, a newspaper published daily in the City of Port Arthur.

AND WHEREAS the Council has heard all parties (either in person or by their counsel, solicitor or agent) whose lands might be prejudicially affected and who have petitioned to be so heard.

NOW THEREFORE the Council of the Corporation of the City of Port Arthur enacts as follows:

1. Those streets and lanes and portions of streets and lanes more particularly described as follows, namely:

#### REGISTERED PLAN 121

Urry Street from Clarke Street to the easterly limit of said plan. Douglas Street from McCullough Street to Beck Street.  
Clarke Street from the production north-westerly of the south-westerly limits of Lots 5 and 6 of Block 23 to Chamberlain Street.  
Nelson Street from Algoma Street to Urry Street.  
McCullough Street from Algoma Street to Clarke Street.  
Powley Street from Algoma Street to Clarke Street.  
MacDougall Street from Algoma Street to Chamberlain Street.  
Beck Street from Algoma Street to Chamberlain Street.

#### Lanes

All lanes in Blocks Numbers 23 to 36 inclusive according to said Registered Plan 121.

#### REGISTERED PLAN 617

Lawrence Avenue from the westerly boundary of Clarke Street to the westerly boundary of said plan.

Gertrude



Gertrude Avenue from the westerly boundary of Clarke Street to the easterly boundary of Lot 58 of said plan.  
 Vera Avenue from the westerly boundary of Clarke Street to the westerly boundary of said plan.  
 Oswald Avenue from the westerly boundary of Clarke Street to the westerly boundary of said plan.  
 Milne Avenue (formerly May Avenue) from the westerly boundary of Clarke Street to the westerly boundary of said plan.  
 Clarke Street from the production easterly of the southerly limit of Alberta Avenue to Chamberlain Street.

#### Lanes

All lanes shown on said Registered Plan 617.

#### REGISTERED PLAN 208

Lawrence Avenue from the easterly boundary of said plan to the easterly limit of Conmee Street.  
 Oswald Avenue from the easterly limit of said plan to the easterly limit of Conmee Street.  
 Milne Avenue (formerly May Avenue) from the easterly limit of said plan to the easterly limit of Conmee Street.

#### Lanes

That certain lane on said plan lying easterly of and parallel to Conmee Street and extending from the northerly limit of Alberta Avenue to the southerly limit of Lawrence Avenue; that certain lane on said plan lying easterly of and parallel to Conmee Street and extending from the northerly limit of Lawrence Avenue to the production easterly of the southerly boundary of Lot 35; that certain lane lying easterly of and parallel to Conmee Street and extending from the northerly limit of Vera Avenue to the southerly limit of Oswald Avenue; that certain lane lying easterly of and parallel to Conmee Street and extending northerly from the northerly limit of Oswald Avenue to the southerly limit of Milne Avenue (formerly May Avenue); that certain lane lying easterly of and parallel to Conmee Street and extending from the northerly limit of Milne Avenue (formerly May Avenue) to Chamberlain Street; that certain lane lying immediately north of and adjoining Lots 24, 25 and 26 of said plan; that certain lane lying immediately north of and adjoining Lots 27, 28 and 29 of said plan; that certain lane lying immediately north of and adjoining Lots 79, 80 and 81 of said plan; that certain lane lying immediately north of and adjoining Lots 128, 129 and 130 of said plan; that certain lane lying immediately north of and adjoining Lots 131, 132 and 133 of said plan.

#### REGISTERED PLAN 59

Chamberlain Street from the easterly boundary of Conmee Street to the easterly boundary of said plan.  
 Chamberlain Street from the westerly boundary of Mining Location "1E" and its production southerly to the south-westerly boundary of Lyon Boulevard.

shall be and the same are hereby stopped up and closed.

2. That compensation be made in accordance with the provisions of *The Municipal Act* of the Province of Ontario to any person prejudicially affected by the stopping up and closing of the streets and lanes and portions of streets and lanes aforesaid.

Enacted and Passed this 14th day of March, A.D. 1938.

FIRST READING—March 14, 1938.

CHARLES W. COX,  
*Mayor.*

SECOND READING—March 14, 1938.

ARTHUR H. EVANS,  
*Clerk.*

THIRD READING—March 14, 1938.

COUNCIL CHAMBER,  
 Port Arthur, Ontario.

## CHAPTER 65

# An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold for the purpose of such payment, shall not exceed in the whole \$100,000,000.

Loans up to  
\$100,000,000  
authorized

2. Any such sum or sums may be raised in any manner provided by *The Provincial Loans Act* or *The Financial Administration Act, 1954*, and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Rev. Stat.,  
c. 299;  
1954, c. 30.

3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

4. This Act may be cited as *The Ontario Loan Act, 1954*.

Short title



## CHAPTER 66

**An Act to amend The Ontario School Trustees' Council Act, 1953**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Ontario School Trustees' Council Act, 1953*, 1953 is amended by adding thereto the following subsections: c. 77, s. 3, amended

(4) At its first meeting in each year, each member association may appoint an alternate representative Alternate representatives for each representative appointed by it and, when a representative is unable to attend a meeting of the Council, his alternate representative may attend the meeting and shall have all the powers and duties of the representative thereat.

(5) No person shall be appointed as an alternate representative Idem unless he is qualified to be a member of the Council and no alternate representative shall be eligible to be an officer of the Council.

(6) Vacancies arising from death, resignation or other- Vacancies wise of a representative or alternate representative shall be filled forthwith by the appointing member association, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Ontario School Trustees' Council Amendment Act, 1954*. Short title





## CHAPTER 67

# An Act to amend The Operating Engineers Act, 1953

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of section 31 of *The Operating Engineers Act*, 1953, c. 78, 1953, c. 78, s. 31, cl. *e*, amended  
1953 is amended by striking out the words "again try such examinations" in the fourth line and inserting in lieu thereof the words "be re-examined", so that the clause shall read as follows:

- (*e*) prescribing the conditions under which an applicant for a certificate of qualification who has failed to pass the examinations required by the board may be re-examined.

**2.** *The Operating Engineers Act*, 1953 is amended by 1953, c. 78, amended  
adding thereto the following section:

32a.—(1) Every certificate of registration and certificate of qualification issued under *The Operating Engineers Act* that is in force on the day this Act comes into force shall be deemed to be a certificate of registration or certificate of qualification, as the case may be, issued under this Act on the day this Act comes into force. Certificates issued under Rev. Stat., c. 265

(2) Every provisional certificate of qualification issued under *The Operating Engineers Act* that is in force on the day this Act comes into force shall be deemed to be a provisional certificate of qualification issued under this Act and shall expire one year from the date it was issued. Provisional certificates of qualification issued under Rev. Stat., c. 265

**3.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

**4.** This Act may be cited as *The Operating Engineers Amendment Act*, 1954. Short title



## CHAPTER 68

## The Parents' Maintenance Act, 1954

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Where there is a juvenile and family court, proceedings under this Act shall be heard in that court. *New.*

Where jurisdiction in juvenile and family court

**2.** For the purposes of this Act, a parent shall be deemed to be dependent if he is destitute or if by reason of age, disease or infirmity he is unable to maintain himself, whether or not he is being cared for in a hospital, home for the aged or charitable institution. R.S.O. 1950, c. 267, ss. 1 (2), 2 (3), *amended.*

Dependent parent

**3.—(1)** An information may be laid under this Act by an apparently dependent parent, or, with the consent in writing of the Crown attorney, by any other person. R.S.O. 1950, c. 267, s. 2 (1), *part.*

Who may lay information

**(2)** Notwithstanding subsection 1, the consent of the Crown attorney is not required where the information is laid by a representative of a government or government agency, or by a representative of a municipality or other local authority, or by a representative of a hospital, home for the aged or charitable institution. R.S.O. 1950, c. 267, s. 2 (2), *amended.*

Idem

**4.—(1)** Where it appears that a parent is dependent, an information may be laid before a justice of the peace and the justice of the peace may issue a summons (Form 1) against one or more sons or daughters of the parent and if upon the hearing it appears that the parent is dependent and that one or more sons or daughters have sufficient means to provide in whole or in part for the parent, the judge or magistrate, as the case may be, having regard to all the circumstances of the case, may make an order (Form 2) requiring any one or more of the sons and daughters to pay for the support of the parent a weekly sum of money, not exceeding \$20, with or without costs. R.S.O. 1950, c. 267, s. 2 (1), *part, amended.*

Proceedings

## Time limit

(2) The order may set a time limit, not exceeding thirty days, within which each sum of money ordered to be paid and the costs, if any, shall be paid. R.S.O. 1950, c. 267, s. 2 (5).

Variation,  
etc., of  
order on  
rehearing

**5.**—(1) Upon the application of a parent in respect of whom an order under this Act has been made or of any son or daughter against whom an order was made and upon proof that the circumstances of the parent or the son or daughter has changed since the making of the order, the judge or magistrate who made the order or any other judge or magistrate having similar jurisdiction may rehear the matter and confirm, vary or rescind the order.

## Notice

(2) Notice of an application for a rehearing shall be given by the applicant to every other person affected by the order under review. R.S.O. 1950, c. 267, s. 3, *amended*.

Application  
of Rev.  
Stat.,  
c. 379

**6.** Except where otherwise provided in this Act, proceedings under this Act shall be in accordance with *The Summary Convictions Act*, and any order for the payment of money made under this Act may be enforced as if it were an order or conviction made under that Act, but imprisonment shall be ordered only under section 7. R.S.O. 1950, c. 267, s. 4 (1).

Proceedings  
on default

**7.** Whenever default is made in the payment of any sum of money ordered under this Act to be paid, the judge or magistrate who made the order or any other judge or magistrate having similar jurisdiction,

- (a) may from time to time summon the person in default to explain the default; and
- (b) may, where service of the summons has been proved and the person summoned does not appear and sufficient reason for his absence is not given, or where it appears that the summons cannot be served, or where an order for imprisonment has been made, issue a warrant for the arrest of such person; and
- (c) may, where a warrant has been issued, or where the person in default fails to satisfy him that the default is due to inability to pay, order such person to be imprisoned for a term of not more than three months unless the sums of money payable under the order are sooner paid. R.S.O. 1950, c. 267, s. 4 (2), *amended*.

Order, filing  
and enforce-  
ment

**8.** An order for the payment of money under this Act may be filed with the clerk of a division court and enforced by execution and judgment summons as in the case of a judgment in the division court. R.S.O. 1950, c. 267, s. 5.

9. *The Parents' Maintenance Act* is repealed.

Rev. Stat.,  
c. 267, re-  
pealed

10. This Act may be cited as *The Parents' Maintenance Act, 1954*. Short title

FORM 1

(Section 4 (1) )

SUMMONS

under

*The Parents' Maintenance Act, 1954*

To.....  
(Name)

.....  
(Address)

Whereas an information has this day been laid before me by.....  
.....on behalf of.....  
for an order under *The Parents' Maintenance Act, 1954*.

This is therefore to command you to appear before a judge of this  
court (or magistrate) as may be then and there present on the.....  
day of....., 19..., at the hour of.....in the  
.....noon, to show cause why an order should not be made against  
you to pay to the support of your.....such weekly sum,  
not exceeding \$20, as may be ordered having regard to all the circum-  
stances of the case.

Given under my hand at.....this.....  
day of....., 19...

.....  
Justice of the Peace

R.S.O. 1950, c. 267, Form 1, *amended*.



## FORM 2

(Section 4 (1) )

## ORDER

under

*The Parents' Maintenance Act, 1954*

Upon reading the information and summons dated the.....  
 day of....., 19...., issued by.....,  
 justice of the peace, upon the application of.....  
 ..... on behalf of.....  
 under *The Parents' Maintenance Act, 1954*, and upon hearing the evidence  
 adduced at the hearing, it appears that the said.....  
 is entitled to the benefit of the said Act.

Therefore I, the undersigned, do hereby order that.....  
 ..... do hereafter pay to his (*or her*).....  
 the sum of \$..... per week for his (*or her*) support, the first  
 payment to be made on the..... day of....., 19....,  
 together with the costs of these proceedings which amount to \$.....  
 which shall be paid on or before the..... day of....., 19....

Given under my hand at..... this.....  
 day of....., 19....

.....  
 Judge (*or* Magistrate)

R.S.O. 1950, c. 267, Form 2, *amended*.

## CHAPTER 69

## An Act to amend The Petty Trespass Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Petty Trespass Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 275, s. 1,  
re-enacted

1.—(1) Every person who unlawfully enters or in any other way trespasses upon another person's land, Offence of  
trespass

(a) that is enclosed;

(b) that is a garden or lawn; or

(c) with respect to which he has had notice by word of mouth, or in writing, or by posters or sign boards so placed as to be visible from every point of access to the land, not to trespass,

and whether or not any damage has been occasioned thereby, is guilty of an offence and on summary conviction is liable to a penalty of not less than \$1 and not more than \$10.

(2) Where an offence under subsection 1 is committed by means of a motor vehicle, the driver of the motor vehicle, not being the owner, is liable to the penalty provided under subsection 1 and the owner of the motor vehicle is also liable to the penalty provided under subsection 1 unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. Trespass  
by means  
of motor  
vehicle

2. This Act may be cited as *The Petty Trespass Amendment Act, 1954*. Short title



## CHAPTER 70

## An Act to amend The Pharmacy Act, 1953

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Pharmacy Act, 1953* is amended by adding thereto the following clause: 1953, c. 79, s. 1, amended

(kk) "veterinary medicine" means any substance or preparation, other than a substance or preparation referred to in Schedule D, that is used or intended for use for the prevention or treatment of any ailment, disease or physical disorder of animals or birds.

2. Clauses *f* and *g* of section 2 of *The Pharmacy Act, 1953* are repealed and the following substituted therefor: 1953, c. 79, s. 2, cls. *f*, *g*, re-enacted

(*f*) prevents a legally qualified medical practitioner or dentist from compounding, dispensing, selling or supplying such drugs as he may prescribe in the course of the practice of his profession;

(*g*) prevents a veterinary surgeon or any person designated by him for the purpose from compounding, dispensing, selling or supplying,

(i) veterinary medicine, or

(ii) such substance or preparation referred to in Schedule D as he may prescribe or specify,

in the course of the practice of his profession.

3. Section 4 of *The Pharmacy Act, 1953* is amended by adding thereto the following subsection: 1953, c. 79, s. 4, amended

(1a) The Dean of the Faculty of Pharmacy of the University of Toronto shall be *ex officio* a member of the Council. Dean  
*ex officio*  
member

Commence-  
ment

**4.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**5.** This Act may be cited as *The Pharmacy Amendment Act, 1954*.



## CHAPTER 71

## An Act to amend The Planning Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *h* of section 1 of *The Planning Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 277, s. 1,  
cl. *h*,  
re-enacted

(*h*) "planning area" means a planning area defined by the Minister under this Act.

**2.** Subsection 4 of section 2 of *The Planning Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 277, s. 2,  
subs. 4,  
re-enacted

(4) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a subsidiary planning area consisting in whole or in part of land that is within one or more planning areas, and may define the functions of the planning board of the subsidiary planning area. Subsidiary  
planning  
areas

**3.** Subsection 5 of section 4 of *The Planning Act* is amended by inserting after the word "appointed" in the second line the words "and such appointments are approved, where approval thereof is required", so that the subsection shall read as follows: Rev. Stat.,  
c. 277, s. 4,  
subs. 5,  
amended

(5) The members of the planning board shall hold office until their successors are appointed and such appointments are approved, where approval thereof is required, and shall be eligible for reappointment. Reappoint-  
ment

**4.** Subsection 4 of section 7 of *The Planning Act*, as re-enacted by section 6 of *The Planning Amendment Act, 1952*, (1952, c. 75, s. 6), is amended by striking out the figure "1" in the seventh line and inserting in lieu thereof the figure "2", so that the subsection shall read as follows: Rev. Stat.,  
c. 277, s. 7,  
(1952, c. 75,  
s. 6),  
subs. 4,  
amended

Notice

- (4) After the estimates have been approved as provided in subsection 3, the planning board shall so notify each municipality in the area, and shall notify each municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection 2.

Rev. Stat.,  
c. 277,  
amended

**5.** *The Planning Act* is amended by adding thereto the following section:

Audit of  
planning  
board's  
accounts  
Rev. Stat.,  
c. 243

- 7b. Notwithstanding subsection 2 of section 245 of *The Municipal Act*, where the planning area includes more than one municipality or parts thereof, the accounts and transactions of the planning board shall be audited by an auditor of the designated municipality.

Rev. Stat.,  
c. 277, s. 11,  
re-enacted

**6.** Section 11 of *The Planning Act* is repealed and the following substituted therefor:

Lodging of  
official plan

- 11.—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the planning board in the office of the Minister and one certified copy in the office of the clerk of each municipality designated by the Minister within the planning area, and the copies shall be available at such places for public inspection during office hours.

Idem

- (2) A duplicate original of the official plan shall be lodged by the planning board in every registry office of lands within the planning area, where it shall be made available to the public as a production.

Rev. Stat.,  
c. 277, s. 15  
(1952, c. 75,  
s. 7),  
subs. 1,  
amended

**7.**—(1) Subsection 1 of section 15 of *The Planning Act*, as re-enacted by section 7 of *The Planning Amendment Act, 1952*, is amended by striking out the word "itself" in the fourth line and inserting in lieu thereof the words "its members", so that the subsection shall read as follows:

Committee  
of adjust-  
ment

- (1) Where an official plan is implemented by one or more by-laws, the planning board of the municipality that passed the by-law or by-laws may constitute its members or not less than three of its members as a committee of adjustment, except where the council constitutes such a committee composed of such persons, not less than three in number, as the council, subject to the approval of the Minister, deems advisable.

(2) Subsection 1a of the said section 15, as enacted by section 4 of *The Planning Amendment Act, 1953*, is amended by striking out the word "itself" in the fifth line and inserting in lieu thereof the words "its members", so that the subsection shall read as follows:

Rev. Stat.,  
c. 277, s. 15,  
subs. 1a  
(1953, c. 80,  
s. 4),  
amended

- (1a) Where no committee of adjustment is constituted for a municipality that is within or partly within a planning area consisting of more than one municipality, the planning board of such planning area may constitute its members or not less than three of its members as the committee of adjustment for the municipality or that part of the municipality that is within the planning area.

Idem

8.—(1) Subclause ii of clause a of subsection 2 of section 15a of *The Planning Act*, as enacted by section 7 of *The Planning Amendment Act, 1952*, is amended by striking out the words "conforms more closely to" in the third and fourth lines and inserting in lieu thereof the words "is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with", so that the subclause shall read as follows:

Rev. Stat.,  
c. 277, s. 15a  
(1952, c. 75,  
s. 7),  
subs. 2, cl. a  
subcl. ii,  
amended

- (ii) the use of such land, building or structure for a purpose which, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the land, building or structure continues to be used in the same manner and for the same purpose as is authorized by the decision of the committee.

(2) Subsections 10 to 19 of the said section 15a are repealed and the following substituted therefor:

Rev. Stat.,  
c. 277, s. 15a  
(1952, c. 75,  
s. 7),  
subss. 10-17,  
re-enacted;  
subss. 18, 19,  
repealed

- (10) The secretary-treasurer shall send by registered mail,

Notice of  
decision

(a) two copies of the decision, certified by him, to the Minister; and

(b) one copy of the decision, certified by him, to the applicant and to each person who appeared in person or by counsel at the hearing and filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Ontario Municipal Board.

- Appeal (11) The applicant, the Minister, or any other person who has an interest in the matter may appeal to the Ontario Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the secretary of the Ontario Municipal Board and, except where the appellant is the Minister, to the Minister, within fourteen days after the sending of the notice under subsection 10.
- Where no appeal (12) If within such fourteen days no notice of appeal is given, the decision of the committee is final and binding, and the Minister shall notify the secretary-treasurer that no appeal has been taken and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.
- Hearing (13) On an appeal to the Ontario Municipal Board, the Board shall hold a hearing of which notice shall be given to the Minister, the applicant, the secretary-treasurer of the committee and to such other persons and in such manner as the Board may determine.
- Powers of Municipal Board (14) The Ontario Municipal Board may dismiss the appeal, and may make any decision that the committee could have made on the original application, and the order of the Board is final and binding.
- Costs (15) The costs on the appeal are in the discretion of the Ontario Municipal Board.
- Notice of decision (16) When the Ontario Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee.
- Idem (17) The secretary-treasurer shall send to the applicant a copy of the order of the Ontario Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality.

Rev. Stat.,  
c. 277, s. 16a  
(1952, c. 75,  
s. 8),  
subs. 1, cl. a,  
amended

9. Clause *a* of subsection 1 of section 16a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1952*, is amended by inserting after the word "redesign" in the second line the word "resubdivision", so that the clause shall read as follows:

- (a) "redevelopment" means the planning or replanning, design or redesign, resubdivision, clearance, development, reconstruction and rehabilitation, or any of them, of a redevelopment area, and the provision of

such

such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.

**10.**—(1) Subsection 1a of section 24 of *The Planning Act*, as enacted by subsection 3 of section 6 of *The Planning Amendment Act, 1953*, is repealed and the following substituted therefor: Rev. Stat., c. 277, s. 24, subs. 1a (1953, c. 80, s. 6, subs. 3), re-enacted

(1a) The by-law may provide that where land is described in accordance with and is, Part lots

(a) within a registered plan of subdivision; or

(b) within a registered plan of subdivision, or a part thereof, designated in the by-law,

no person shall convey a part of any lot or block of the land by way of deed or transfer on any sale, or enter into an agreement of sale and purchase, or enter into any agreement that has the effect of granting the use of or right in the land directly or by entitlement to renewal for a period of twenty-one years or more unless a consent thereto is given in the manner provided in clause *d* of subsection 1.

(2) The said section 24, as amended by section 9 of *The Planning Amendment Act, 1952* and section 6 of *The Planning Amendment Act, 1953*, is further amended by adding thereto the following subsection: Rev. Stat., c. 277, s. 24 amended

(2b) Where the by-law contains provisions authorized by subsection 1a, the clerk of the municipality shall, within ten days after the by-law is passed, send notice of the passing of the by-law by registered mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within any registered plan of subdivision, or within any part of a registered plan of subdivision, to which such provisions apply. Notice

**11.** Subsection 1 of section 26 of *The Planning Act* is amended by striking out the words "the person desiring to register the plan" in the third and fourth lines and inserting in lieu thereof the words "the owner of the land or someone authorized by him in writing", so that the subsection shall read as follows: Rev. Stat., c. 277, s. 26 subs. 1, amended



Applica-  
tion for  
approval of  
subdivision  
plans

- (1) When land is to be subdivided for the purpose of being sold, conveyed or leased in lots by reference to a registered plan of subdivision, the owner of the land or someone authorized by him in writing shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale, together with an application for approval, to the Minister.

Commence-  
ment

- 12.** This Act comes into force on the 1st day of June, 1954.

Short title

- 13.** This Act may be cited as *The Planning Amendment Act, 1954*.

## CHAPTER 72

## The Plant Diseases Act, 1954

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpreta-  
tion

- (a) "dealer in nursery stock" means a person who has for sale plants that were propagated at a nursery and that are kept in the soil of the premises on which the plants are for sale; *New.*
- (b) "Director" means Director appointed under this Act; R.S.O. 1950, c. 278, s. 1, cl. (b), *amended.*
- (c) "inspector" means inspector appointed under this Act;
- (d) "Minister" means Minister of Agriculture; R.S.O. 1950, c. 278, s. 1, cls. (c, d).
- (e) "nursery" means any place where fruit trees, fruit stock or ornamental plants are propagated for sale;
- (f) "plant" means any tree, shrub, vine, tuber, bulb, corm, rhizome or root or the fruit or any portion of them;
- (g) "plant disease" means any disease or injury of a plant caused by insect, virus, fungus, bacterium or other organism that is designated a plant disease in the regulations; R.S.O. 1950, c. 278, s. 1, cls. (e-g), *amended.*
- (h) "Provincial Entomologist" means Provincial Entomologist appointed under this Act;
- (i) "regulations" means regulations made under this Act. R.S.O. 1950, c. 278, s. 1, cls. (h, i).

Sale, etc.,  
of diseased  
plants

**2.** No person shall transport or ship from a nursery or premises of a dealer in nursery stock, sell, offer for sale, or have in his possession for sale at a nursery or at premises of a dealer in nursery stock, any plant having a plant disease. R.S.O. 1950, c. 278, ss. 8, 12, cl. (e), *amended*.

Nursery  
licence

**3.—(1)** No person shall operate a nursery without a licence therefor from the Minister. R.S.O. 1950, c. 278, s. 7, *amended*.

Dealer in  
nursery  
stock,  
licence

(2) No person shall be a dealer in nursery stock, other than a person licensed to operate a nursery, without a licence therefor from the Minister. *New*.

Director,  
Provincial  
Entomolo-  
gist and  
inspectors

**4.** The Lieutenant-Governor in Council may appoint a Director to administer and enforce this Act and may appoint a Provincial Entomologist and one or more inspectors who shall carry out such duties as may be assigned to them by this Act or the regulations or the Director. R.S.O. 1950, c. 278, ss. (2-4), *amended*.

Municipal  
inspectors

**5.—(1)** The council of any municipality may, and upon receipt of a petition signed by at least twenty-five ratepayers of a township or county, the council of the township or county shall, appoint one or more municipal inspectors to enforce this Act and the regulations within the municipality with respect to any plant disease designated in the by-law, and the by-law shall fix the remuneration to be paid to any such inspector or inspectors.

Approval  
of by-law

(2) No such by-law shall take effect until it is approved by the Minister. R.S.O. 1950, c. 278, s. 5, *amended*.

Powers and  
duties

(3) Every municipal inspector shall have all the powers of an inspector and shall carry out the provisions of this Act and the regulations under the direction of the Provincial Entomologist with respect to the control or eradication of such plant disease in the municipality. R.S.O. 1950, c. 278, s. 6, *amended*.

Power of  
entry

**6.** An inspector may, between sunrise and sunset, for the purpose of making an inspection,

- (a) enter any nursery or premises of a dealer in nursery stock;
- (b) enter any vehicle owned or operated by or for the owner of a nursery or a dealer in nursery stock;
- (c) enter any farm, garden, orchard or building in or on which he has reason to believe there are plants; and

(d)

- (d) enter any premises in which plants are processed and any premises used in connection therewith and in or on which he has reason to believe there are plants having a plant disease or any containers infested with the causal organisms of any plant disease. R.S.O. 1950, c. 278, s. 10, *amended*.

7.—(1) Where an inspector finds any plant disease or causal organisms of any plant disease in or on any premises or vehicle, he may order the owner, occupier or person in charge of the premises or vehicle, Disinfection of diseased plants, etc.

- (a) to disinfect any plants, land, building, vehicle or container; or
- (b) to treat or destroy any plants,

in such manner and within such period as the order may require.

(2) Where an inspector finds causal organisms of any plant disease in the soil of any premises, he may order that the owner or occupier of such premises shall not grow for such period of time as the order may require such species of plants as may become infected by such causal organisms. Prohibition to grow certain plants

(3) Every order under this section shall be in writing and delivered to the owner, occupier or person in charge of the premises or vehicle by an inspector or sent by prepaid post to his last or usual place of abode. *New.* Order

8.—(1) Where the owner, occupier or person in charge of any premises or vehicle deems himself aggrieved by any order of an inspector, he may within five days of the receipt of the order appeal against the order by notice to the Provincial Entomologist. Appeal

(2) Upon receipt of a notice of appeal, the Provincial Entomologist shall confirm, revoke or modify the order appealed against and shall notify the appellant of his decision by prepaid post and the appellant shall carry out such order as may be given by the Provincial Entomologist in his decision. *New.* Idem

9. Every person who contravenes or fails to comply with this Act or the regulations or with any order of an inspector or of the Provincial Entomologist is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 for a first offence, and to a penalty of not less than \$25 and not more than \$200 or to a term of not more than thirty days for any subsequent offence. R.S.O. 1950, c. 278, s. 13, *amended*. Penalty

## Regulations

**10.** The Lieutenant-Governor in Council may make regulations,

- (a) designating plant diseases within the meaning of this Act; R.S.O. 1950, c. 278, s. 12, cl. (a).
- (b) prescribing the duties of the Provincial Entomologist and of inspectors;
- (c) providing for the issue of licences to operate nurseries and to dealers in nursery stock, and prescribing the term thereof and the fees to be paid therefor; R.S.O. 1950, c. 278, s. 12, cls. (b, c), *amended*.
- (d) providing for the establishment of plant disease control areas;
- (e) providing for the control or eradication of any plant disease in any plant disease control area or in any other area; R.S.O. 1950, c. 278, s. 9, *amended*.
- (f) providing for the issue of certificates as to the freedom from any plant disease of any plants grown in any nursery, farm, garden, orchard or other place or kept on any premises of a dealer in nursery stock; R.S.O. 1950, c. 278, s. 12, cl. (g), *amended*.
- (g) providing for the making of grants by the Minister out of such moneys as are appropriated therefor by the Legislature so as to reimburse any municipality to such extent as is designated for any expense it has been put to under this Act; R.S.O. 1950, c. 278, s. 12, cl. (k), *amended*.
- (h) prescribing the forms for use under this Act; *New*.
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 278, s. 12, cl. (l).

Rev. Stat.,  
c. 278;  
1952, c. 76,  
repealed

**11.** *The Plant Diseases Act* and *The Plant Diseases Amendment Act, 1952* are repealed.

Commence-  
ment

**12.** This Act comes into force on the 1st day of January, 1955.

Short title

**13.** This Act may be cited as *The Plant Diseases Act, 1954*.



## CHAPTER 73

**An Act to amend  
The Professional Engineers Act**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 292, s. 6,  
re-enacted

6. For the purposes of representation upon the council Branches and for registration and for such purposes only as are set out in this Act, the membership of the Association shall be divided into the following branches:

1. Civil.
2. Mechanical, Aeronautical and Industrial.
3. Chemical and Metallurgical.
4. Electrical.
5. Mining.

2. This Act may be cited as *The Professional Engineers Short title  
Amendment Act, 1954.*



## CHAPTER 74

## The Provincial Aid to Drainage Act, 1954

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpreta-  
tion

(a) "drainage work" means a drainage work to which *The Municipal Drainage Act* applies, in respect of which a report of an engineer or surveyor is made under that Act; Rev. Stat. c. 246

(b) "Minister" means Minister of Public Works. R.S.O. 1950, c. 295, s. 1, *amended*.

**2.—(1)** Subject to subsection 2, this Act applies to,

Application  
of Act

(a) any work in respect of the channels of a drainage work the main purpose of which is to drain agricultural lands;

(b) any work for the purpose of rendering a drainage work more effective by embanking or pumping or other mechanical means, and in computing the cost thereof for the purpose of grants, the cost of all pumping machinery installed shall be included. R.S.O. 1950, c. 295, s. 2 (1), *amended*.

(2) This Act does not apply to covered drains such as storm sewers, sanitary sewers or sewer outlets, or to lateral drains, or to open or covered drains in those sections of a drainage work into which domestic sewage is discharged. R.S.O. 1950, c. 295, s. 2 (2), *amended*. Exceptions

(3) For the purposes of this Act, any contribution in cash toward the cost of the work received by the municipality initiating the work shall be deducted from such cost. R.S.O. 1950, c. 295, s. 2 (3). Cash contributions to be excluded from cost

Where  
another  
provincial  
grant  
payable

**3.** Where a grant is paid under this Act in respect of the cost of a drainage work which includes the cost of a work upon which a grant is payable under another Act of the Legislature, the grant payable under such other Act shall be reduced by an amount equal to that portion of the grant that was paid under this Act in respect of the cost of the part of the work upon which the grant is payable under the other Act. *New.*

Application  
by petition

**4.—(1)** Where the council of a municipality initiates a drainage work, which is or includes a work to which this Act applies, and wishes aid under this Act, it shall, within three months after passing a by-law for undertaking the work and before commencing the work, apply for aid by forwarding to the Minister a petition verified by statutory declaration of the engineer or surveyor and accompanied by a verified copy of the report, field plan and profile of the proposed work, and the engineer's or surveyor's assessment of the land. R.S.O. 1950, c. 295, s. 3, *amended.*

Disqualified  
work to be  
shown

(2) The engineer or surveyor shall indicate on his plan and in his report any section of the work that is referred to in subsection 2 of section 2.

Emergency  
work  
Rev. Stat.,  
c. 246

(3) Notwithstanding subsection 1, where the council of a municipality must perform emergency work under *The Municipal Drainage Act* before it is possible to obtain and adopt an engineer's report, it may submit a petition for aid in accordance with subsection 1 after the commencement of the work if it has notified the Minister within ten days after the commencement of the work. *New.*

Examination  
of work, etc.

**5.—(1)** Upon receipt of a petition forwarded in the manner and within the time specified in section 4, the Minister, if it appears to him that the drainage work is or includes a work to which this Act applies, may cause an examination thereof to be made by an engineer of the Department of Public Works, who shall report fully thereon and upon all the matters alleged in the petition.

Payments

(2) Upon receipt by the Minister of a report mentioned in subsection 1 and upon the practical completion of the work, the Minister, where the grant does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of the Consolidated Revenue Fund to the treasurer of the initiating municipality,

(a) where the work is in a county,  $33\frac{1}{3}$  per cent of the cost of the work as described and limited in section 2; or

(b)

- (b) where the work is in a municipality in a territorial district or a provisional county,  $66\frac{2}{3}$  per cent of the cost of the work as described and limited in section 2. R.S.O. 1950, c. 295, s. 4 (1), *amended*.

(3) The grant shall be distributed by the initiating municipality to other interested municipalities on a *pro rata* basis, according to the engineer's assessment, and in each municipality the amount of the grant shall be applied to reduce the annual assessment on each property benefitting by the portions of the drainage work in respect of which the grant has been allowed, during the life of the by-law imposing the assessments. R.S.O. 1950, c. 295, s. 4 (2), *amended*. Distribution and application of grant

**6.**—(1) The Minister, where the grant does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of the Consolidated Revenue Fund an amount not exceeding 80 per cent of the cost of a drainage work as described and limited in section 2, where the work is in a territorial district but not in a municipality. Grants in unorganized territory

(2) The Lieutenant-Governor in Council may make regulations prescribing the manner in which, and the terms and conditions under which, grants may be paid under subsection 1. R.S.O. 1950, c. 295, s. 5. Regulations

**7.** *The Provincial Aid to Drainage Act* is repealed.

Rev. Stat.,  
c. 295,  
repealed

**8.** This Act comes into force on the 1st day of April, 1954. Commencement

**9.** This Act may be cited as *The Provincial Aid to Drainage Act, 1954*. Short title





## CHAPTER 75

**The Provincial Parks Act, 1954***Assented to April 6th, 1954**Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered by water. R.S.O. 1950, c. 300, s. 1, *amended*. Interpretation

**2.** All provincial parks are dedicated to the people of the Province of Ontario and others who may use them for their healthful enjoyment and education, and the provincial parks shall be maintained for the benefit of future generations in accordance with this Act and the regulations made under this Act. *New*. Parks dedicated to public

**3.—(1)** The lands reserved, set apart and known as Algonquin Provincial Park, Ipperwash Provincial Park, Lake Superior Provincial Park, Quetico Provincial Park, Rondeau Provincial Park and Sibley Provincial Park shall continue to be reserved, set apart and known as provincial parks. R.S.O. 1950, c. 300, s. 2 (1). Existing provincial parks

(2) The lands set apart and known as Presqu'île Park and Long Point Park shall continue to be set apart and shall be provincial parks. *New*. Idem

(3) Notwithstanding any general or special Act, the Lieutenant-Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park, and may delimit any provincial park. R.S.O. 1950, c. 300, s. 2 (2), *amended*. New parks and additions

(4) Land may be acquired under *The Public Works Act* for the purposes of this Act. *New*. Acquisition of land  
Rev. Stat.,  
c. 323

(5) For municipal purposes, any land set apart as a provincial park or added thereto shall, so long as it remains part of the provincial park, be deemed to be separated from any

municipality

municipality of which it formed a part immediately before it became a provincial park or a part thereof. R.S.O. 1950, c. 300, s. 3, *amended*.

Judicial  
purposes

(6) For judicial purposes, any land set apart as a provincial park or added thereto shall continue to form part of the county, if any, of which it formed a part immediately before it became a provincial park or a part thereof. *New*.

Designation  
of parks  
for admin-  
istrative  
purposes

4. The Lieutenant-Governor in Council shall designate each provincial park as being under Part I, Part II or Part III for the purposes of administration and may change the designation of any provincial park at any time. *New*.

## PART I

Administra-  
tion of  
Part I parks

5. Each provincial park designated as being under this Part shall be under the control and management of the Minister of Lands and Forests and shall be under the charge of a district forester or a superintendent designated by the Minister. R.S.O. 1950, c. 300, ss. 6, 7, *amended*.

## PART II

Interpre-  
tation

6. In this Part, "Minister" means the member of the Executive Council to whom the administration of the provincial parks under this Part is assigned by the Lieutenant-Governor in Council. *New*.

Administra-  
tion of  
Part II  
parks

7.—(1) Each provincial park designated as being under this Part shall be under the control and management of the Minister and shall be under the charge of a commission appointed by the Lieutenant-Governor in Council and composed of such number of persons as the Lieutenant-Governor in Council may determine.

Chairman  
and vice-  
chairman

(2) The Lieutenant-Governor in Council shall designate one of the members as chairman and another as vice-chairman.

Corporation

(3) The commission shall be a body corporate by the name of The ..... Provincial Park Commission (*inserting the name of the park*). R.S.O. 1950, c. 217, s. 1 (1); c. 286, s. 1 (1); *amended*.

Tenure of  
office and  
compen-  
sation

(4) The members of the commission shall hold office during the pleasure of the Lieutenant-Governor in Council and shall receive such compensation as is fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 217, s. 1 (2, 3); c. 286, s. 1 (2, 3).

(5) The chairman, or during the absence of the chairman <sup>Chairman</sup> through illness or otherwise or if the office of chairman is vacant, the vice-chairman, for the purposes of this Part, has all the rights and powers and shall perform all the duties that pertain to the office of mayor of a town.

(6) The commission shall appoint a secretary who is not <sup>Secretary</sup> a member of the commission and who, for the purposes of this Part, has all the powers and shall perform all the duties that pertain to the offices of clerk and treasurer of a town. R.S.O. 1950, c. 217, s. 1 (4); c. 286, s. 1 (4, 5); *amended*.

8. With respect to property of a commission and the public <sup>Collection of revenues, etc.</sup> lands in the park under its charge, the commission shall demand, collect and recover from any person having the occupation or use thereof any money due for rent or otherwise. R.S.O. 1950, c. 217, s. 4; c. 286, s. 4; *amended*.

9.—(1) Subject to the approval of the Minister, a commis- <sup>Powers of commission</sup> sion may, in respect of the park under its charge, exercise any of the powers that are conferred by any Act on the council of a town. R.S.O. 1950, c. 217, ss. 6-10, 19; c. 286, ss. 6-10, 19; *amended*.

(2) Without limiting the generality of subsection 1 and <sup>Idem</sup> subject to the approval of the Minister, a commission may pass by-laws in respect of the park under its charge,

- (a) to lay out, improve, develop and enclose the park;
- (b) to construct or pull down buildings, wharves and other structures on public lands, and to dispose of materials obtained from any structures so pulled down;
- (c) to construct and operate on public lands restaurants, refreshment booths and stands for the sale of souven-  
enirs and other wares;
- (d) to construct and operate on public lands toilet,  
dressing room, picnic, camping, cooking, bathing and  
other facilities for the convenience of the public;
- (e) to construct and operate on public lands picnic  
grounds, camping grounds, trailer parks, parking  
lots, cabins and other sleeping accommodation;
- (f) to acquire and operate boats, vessels, motor vehicles  
and other means of transportation to be used in  
connection with the park;

(g)

- (g) to make agreements with persons with respect to the establishment or operation by them of any works, facilities or services on public lands;
- (h) to lease any land, building or structure upon such terms and conditions as it deems expedient;
- (i) to demand and collect admission fees for entrance into the park of persons or vehicles;
- (j) to demand and collect fees, tolls, rents, taxes or other charges for the use of the lands, buildings, wharves, structures, means of transportation or works owned or controlled by the commission, and for services rendered and for the use of facilities provided by the commission;
- (k) to do any other thing it deems necessary or advisable to improve the park. R.S.O. 1950, c. 217, ss. 5 *part*, 17; c. 286, ss. 5 *part*, 17; *amended*.

Authenti-  
cation of  
by-laws

(3) By-laws passed by a commission shall be authenticated by the signature of the chairman and secretary and the seal of the commission, and a copy of a by-law so authenticated shall have the same effect as a copy of a municipal by-law certified in the manner provided in *The Municipal Act*. R.S.O. 1950, c. 217, s. 12; c. 286, s. 12; *amended*.

Rev. Stat.,  
c. 243

Highways

**10.** A commission shall keep the highways in the park under its charge in proper repair and has in respect of the highways all the powers and privileges conferred and is subject to all the liabilities imposed as if it were the council and corporation of a town, and no action is maintainable against any municipality by reason of the non-repair of the highways, streets, sidewalks or bridges in the park or by reason of any misfeasance or nonfeasance in relation to them. R.S.O. 1950, c. 217, s. 15; c. 286, s. 15; *amended*.

Application  
of Rev.  
Stat., c. 320

**11.** The provisions of *The Public Utilities Act*, except where inconsistent with this Part, apply to a commission. R.S.O. 1950, c. 217, s. 11; c. 286, s. 11.

Rates and  
taxes

**12.**—(1) Subject to the approval of the Minister, a commission may levy rates as if it were the council of a town and for that purpose the commission has and shall perform all the powers and duties of the council, clerk and collector of a town.

Assessment

(2) For the purpose of subsection 1, the Department of Municipal Affairs has and shall perform all the powers and duties of the assessor of a town, and the provisions of *The Assessment Act* apply. R.S.O. 1950, c. 217, s. 18; c. 286, s. 18, *amended*.

Rev. Stat.,  
c. 24



**13.**—(1) All moneys received by a commission shall be <sup>Application of revenues</sup> applied for the purposes of the park under its charge and in discharge of its duties and obligations.

(2) Any surplus moneys shall, on the order of the Lieu- <sup>Idem</sup> tenant-Governor in Council, be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1950, c. 217, s. 5, *part*; c. 286, s. 5, *part*; *amended*.

**14.** A commission shall be deemed to be the council of <sup>Audit of accounts</sup> a municipality for the purposes of sections 245 to 249 of *The Municipal Act*. R.S.O. 1950, c. 217, s. 20 (2); c. 286, <sup>Rev. Stat., c. 243</sup> s. 20 (2); *amended*.

**15.**—(1) A commission shall, after the close of each year, <sup>Annual report</sup> make an annual report upon the affairs of the commission to the Minister who shall file it with the Provincial Secretary.

(2) The Provincial Secretary shall submit the report to <sup>Tabling</sup> the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. R.S.O. 1950, c. 217, s. 21; c. 286, s. 21; *amended*.

**16.** Without the authority of the Lieutenant-Governor in <sup>Actions against members</sup> Council, no action shall be brought against the members of a commission personally for anything done or omitted to be done under this Act. R.S.O. 1950, c. 217, s. 22; c. 286, s. 22; *amended*.

**17.** Nothing in this Act shall be deemed to confer any <sup>Certain rights preserved</sup> power to interfere with the rights of the owners of the property of the Long Point Company or the Toronto Big Creek Shoot- ing Club, Limited. R.S.O. 1950, c. 217, s. 25.

**18.** All lands now vested in The Long Point Park Commis- <sup>Lands in certain parks vested in Crown</sup> sion and The Presqu'ile Park Commission are vested in the Crown. *New*.

**19.**—(1) Subject to this Act, The Long Point Park Com- <sup>Long Point Provincial Park</sup> mission is continued and shall be known as The Long Point Provincial Park Commission and Long Point Provincial Park is under this Part.

(2) Subject to this Act, The Presqu'ile Park Commission <sup>Presqu'ile Provincial Park</sup> is continued and shall be known as The Presqu'ile Provincial Park Commission and Presqu'ile Provincial Park is under this Part. *New*.

**20.** Where a provincial park that is under this Part is <sup>Dissolution of commission</sup> designated as being under Part I or Part III, the Lieutenant-Governor, upon the recommendation of the Minister, may

dissolve

dissolve the commission on such date as the order may fix and, upon the dissolution of the commission, its property vests in the Crown to be held and disposed of in such manner as the Lieutenant-Governor in Council determines. *New.*

### PART III

Administra-  
tion of  
Part III  
parks

**21.** Each provincial park designated as being under this Part shall be under the control and management of the member of the Executive Council to whom the administration of the provincial parks under this Part is assigned by the Lieutenant-Governor in Council and shall be under the charge of a superintendent or a person designated by the Minister. *New.*

### PART IV

#### GENERAL

Inquiry  
into  
leases, etc.

**22.—(1)** The Minister having control and management of a provincial park may inquire into and ascertain all the facts concerning all leases and other agreements in respect of any lands in the provincial park. R.S.O. 1950, c. 217, s. 3; c. 286, s. 3; *amended.*

Minister  
to decide  
rights

(2) The Minister shall determine all questions that arise as to the rights of persons claiming to be entitled to any rights in respect of public lands in the provincial park.

Cancell-  
ation of  
leases

(3) If the Minister is satisfied that any such person, or any person claiming under or through him, has been guilty of fraud or imposition, or has violated any of the conditions of his lease or other agreement, he may cancel such lease or other agreement and resume the land and dispose of it as if the same had never been made and upon such cancellation all moneys paid in respect of such sale, location or lease shall remain the property of the Crown and the improvements, if any, on the land shall be forfeited to the Crown.

Power to  
acquire  
possession

Rev. Stat.,  
c. 309

(4) Where a person refuses to deliver up land or where a trespasser is in possession, the Minister may obtain possession in a manner similar to that provided in section 19 of *The Public Lands Act*. *New.*

Police  
powers

**23.** In a provincial park, the district forester, superintendent or other person in charge and every forest ranger has all the power and authority of a member of the Ontario Provincial Police Force. R.S.O. 1950, c. 300, s. 8, *amended.*

Sale of  
liquor  
Rev. Stat.,  
c. 210

**24.** No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* within any provincial park. R.S.O. 1950, c. 300, s. 9.

**25.** *The Crown Timber Act, 1952* and *The Public Lands Act* 1952, c. 15, Rev. Stat., c. 309, not to apply to Part II, III parks  
do not apply in any provincial park under Part II or Part III.

**26.** Subject to *The Game and Fisheries Act* and the regulations thereunder, the Minister having control and management of a provincial park may take such measures as he deems proper for the protection of fish, animals and birds and any property or interest of the Crown. R.S.O. 1950, c. 300, s. 10, amended. Conservation of wild life, etc. Rev. Stat., c. 153

**27.**—(1) The Lieutenant-Governor in Council may make Regulations regulations,

- (a) for the care, preservation, improvement, control and management of the provincial parks;
- (b) prohibiting or regulating and controlling prospecting or the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks;
- (c) prohibiting or regulating and controlling the occupation of public lands in provincial parks or designating areas therein in which land may be leased or occupied under licence of occupation and describing such areas by metes and bounds, or in relation to highways, lakes, rivers or railways;
- (d) regulating and controlling the use of lands in provincial parks;
- (e) prohibiting the erection of buildings or structures in provincial parks, or regulating and controlling the nature, cost, type of construction or the location of buildings or structures which may be erected therein;
- (f) governing the granting, issue, form, renewal, transfer and cancellation of leases, licences of occupation and other rights to public lands in provincial parks and prescribing terms and conditions in connection therewith;
- (g) for prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in provincial parks;
- (h) for prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in provincial parks;

(i)

- (i) for prohibiting or regulating and controlling the use, setting out and extinguishment of fires in provincial parks;
- (j) for prohibiting or regulating and controlling pedestrian, vehicular or air traffic in provincial parks;
- (k) for prohibiting or regulating and controlling and issuing permits for the use of vehicles, boats or aircraft or any defined class thereof in provincial parks;
- (l) for issuing permits to persons to enter and travel in provincial parks;
- (m) for prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (n) for regulating, controlling and licensing guides in provincial parks;
- (o) prescribing the fees or rentals payable for any licence, permit, lease or other right issued, made or given in respect of a provincial park;
- (p) respecting any matter mentioned in subsection 2 of section 9;
- (q) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 300, s. 11 (1), *amended*.

**Application**

(2) Any regulation under subsection 1 may be made applicable to all provincial parks, to any designated class of provincial parks, to any provincial park or to any part of a provincial park. R.S.O. 1950, c. 300, s. 11 (2), *amended*.

**Conflict**

(3) In the event of conflict between any regulation applicable to a provincial park that is under Part II and a by-law of the commission in charge of the park, the regulation prevails to the extent of the conflict, but in all other respects the by-law remains in full force and effect.

**Penalty**

**28.**—(1) Every person who fails to comply with or contravenes any provision of this Act or of the regulations made or any by-law passed under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 300, s. 12; c. 217, s. 13; c. 286, s. 13; *amended*.

(2) All penalties recovered for contraventions of by-laws of a commission shall be paid over to the commission. R.S.O. 1950, c. 217, s. 14; c. 286, s. 14; *amended*. Application of penalties

(3) Where any regulation made or by-law passed under this Act is contravened, in addition to any other remedy and to any penalty imposed, the contravention may be restrained by action at the instance of the Minister having control and management of the provincial park in which the contravention takes place. *New*. Restraint by action

**29.** The south boundary and part of the east boundary of the Village of Brighton extending from the southwesterly angle of Lot No. 5 in the Broken Front Concession of the Township of Brighton, now in the Village of Brighton, to the westerly limit of the unopened road allowance between Lots Nos. 32 and 33, Concession C, Township of Brighton, shall be as described in the Schedule. Boundary of Village of Brighton

**30.** *The Long Point Park Act, The Presqu'ile Park Act, The Provincial Parks Act and The Provincial Parks Amendment Act, 1952* are repealed. Rev. Stat., cc. 217, 286, 300; 1952, c. 82, repealed

**31.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

**32.** This Act may be cited as *The Provincial Parks Act*, 1954. Short title



## SCHEDULE

Premising that the bearings hereinafter mentioned are astronomic and are referred to the meridian through the northeast angle of Lot No. 1 on the south side of Water Street as shown on Plan No. 135 (Newcastle Townsite) as entered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland at Colborne, Ontario.

COMMENCING at the southwesterly angle of Lot No. 5 in the Broken Front Concession of the Township of Brighton now in the Village of Brighton as the said southwesterly angle is shown on and established by Plan No. 140 as entered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland at Colborne, Ontario, and which said southwesterly angle of the said Lot No. 5 marks the intersection of the westerly limit of the said Lot No. 5 with the highwater mark on the northerly shore of Lake Ontario; thence in a general southeasterly direction and following the said highwater mark in all its windings to the most southerly angle of the said Lot No. 5 as shown on the said Plan No. 140; thence north  $25^{\circ} 28'$  east 252.73 feet along the southeasterly limit of the said Lot No. 5 as established by the said Plan No. 140; thence north  $9^{\circ} 53'$  east 136.45 feet along the southeasterly limit of the said Lot No. 5 as established by the said Plan No. 140; thence north  $15^{\circ} 23'$  west 232.39 feet along the said southeasterly limit of the said Lot No. 5 as established by the said Plan No. 140; thence north  $52^{\circ} 7'$  west 407.73 feet along the easterly limit of the said Lot No. 5 and along the southwesterly limit of Lake Street as shown on Plan No. 28 as entered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland at Colborne, Ontario; thence north  $33^{\circ} 9'$  west along the said southwesterly limit of Lake Street 60.08 feet to a point where the said limit of Lake Street is intersected by the westerly production of the northerly limit of a development road; thence  $68^{\circ} 1'$  east along the said westerly production of the northerly limit of a development road and along the northerly limit of the development road 851.34 feet; thence on a curve to the left along the northerly limit of the said development road to which curve the last-mentioned course is tangent and which said curve has a radius of 2,821.79 feet for an arc distance of 881.16 feet; thence north  $50^{\circ} 7' 30''$  east along the said northerly limit of the development road and tangent to the last-mentioned curve for a distance of 909 feet more or less to a point in the south limit of Lot No. 3 in the Broken Front Concession of the Township of Brighton now in the Village of Brighton as said southerly limit was established by and shown on said Plan No. 140; thence in a general southeasterly direction and following the said south limit of the said Lot No. 3 as shown on the said Plan No. 140 to the southeasterly angle of the said Lot No. 3; thence south  $47^{\circ} 12' 10''$  east 864.48 feet more or less to a point in a straight line joining the easterly tip of Gilead Point in Presqu'île Bay of Lake Ontario with the most southerly point of Gosport as shown on said Plan No. 28; thence north  $58^{\circ} 42' 25''$  east along the said line joining the easterly tip of Gilead Point with the most southerly point of Gosport 4,155.49 feet to the said most southerly point of Gosport which said southerly point of Gosport for the purposes of this description is distant 80 feet measured on a course bearing south  $12'$  east from the southerly termination of the line between Lots Nos. 11 and 12 on the north side of Bay Street as shown on the said Plan No. 28; thence north  $66^{\circ} 30'$  east 1,000 feet; thence north  $42^{\circ} 30'$  east 2,100 feet; thence in a northwesterly direction in a straight line to the southwesterly angle of that portion of Lot No. 32, Concession C of the Township of Brighton which was conveyed by quit-claim deed dated 28th September, 1932, to the St. Mary's Cement Company Limited and which said southwesterly angle is distant 3,000 feet measured southerly along the easterly limit of an unopened road allowance between Lots Nos. 32 and 33 through Concessions B and C in the said Township of Brighton from the intersection of the said easterly limit of an unopened road allowance with the southerly limit of Harbour Street as shown on the said Plan No. 28; thence westerly and at right angles to the said easterly limit of the said unopened road allowance 66 feet to a point in the westerly limit of the said unopened road allowance.

## CHAPTER 76

## An Act to amend The Public Health Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Public Health Act*, as amended by section 1 of *The Public Health Amendment Act, 1951* and section 2 of *The Public Health Amendment Act, 1953*, is further amended by adding thereto the following clause:

(zs) designating institutions to which the Minister may make contributions toward the cost of the maintenance, treatment and special treatment of persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis and prescribing the methods of determining the amounts of contributions and the manner and times of payment thereof.

**2.** *The Public Health Act* is amended by adding thereto the following section:

54a. The Minister, out of such moneys as are appropriated by the Legislature therefor, may make contributions to institutions designated by the regulations toward the cost of the maintenance, treatment and special treatment of persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis, in such amounts, in such manner and at such times as the regulations prescribe.

**3.** This Act may be cited as *The Public Health Amendment Act, 1954*.



## CHAPTER 77

## An Act to amend The Public Hospitals Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 16 of *The Public Hospitals Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 307, s. 16,  
re-enacted

16. When any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates: Municipal  
liability for  
indigents

- (a) in the case of a hospital which in the regulations is classed as a Group A hospital, at the rate of \$6 per day;
- (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$5.25 per day;
- (c) in the case of a hospital which in the regulations is classed as a Group C or Group D hospital, at the rate of \$4.50 per day; and
- (d) in the case of all other hospitals, at the rate of \$3.75 per day.

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1954. Commence-  
ment

**3.** This Act may be cited as *The Public Hospitals Amendment Act, 1954*. Short title





## CHAPTER 78

## An Act to amend The Public Parks Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Public Parks Act* is amended by adding thereto the following subsections: Rev. Stat.,  
c. 314, s. 2,  
amended

(2) The board of park management may pass by-laws for prescribing fees to be payable for the use of any facilities provided in any park. Fees, for  
use of  
facilities;

(3) The board of park management, with the approval of the council of the municipality, may pass by-laws for prescribing fees to be payable for entrance to any park. for entrance

**2.** *The Public Parks Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 314,  
amended

4a.—(1) Notwithstanding sections 4 and 5, the council of the municipality may by by-law provide that the board shall be composed of such number of resident ratepayers, not less than three and not more than seven, as the by-law provides, but where the board is to be composed of five or more persons at least two shall be members of the council. Alternative  
composition  
of board

(2) The members of the board shall be appointed annually by the council. Appoint-  
ments

(3) A majority of the members of the board shall be a quorum. Quorum

(4) Subsections 2, 4 to 12 and 14 of section 5 shall apply *mutatis mutandis* when the board is composed as provided in this section. Application  
of s. 5,  
subss. 2,  
4-12, 14

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Public Parks Amendment Act, 1954*. Short title



## CHAPTER 79

## An Act to amend The Public Schools Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Public Schools Act*, as amended by section 2 of *The Public Schools Amendment Act, 1953*, is repealed Rev. Stat., c. 316, s. 6, repealed.

2. Subsection 4a of section 15 of *The Public Schools Act*, as enacted by subsection 2 of section 3 of *The Public Schools Amendment Act, 1953*, is amended by adding at the end thereof the words "and the provisions of section 17 with respect to the adjustment of rights and claims shall apply *mutatis mutandis*", so that the subsection shall read as follows: Rev. Stat., c. 316, s. 15, subs. 4a (1953, c. 90, s. 3, subs. 2), amended

(4a) Where a township school area has been established, the council of the township may by by-law passed before the 1st day of July in any year detach from the area all or part of any former school section or union school section, with the assent by resolution, passed before the 31st day of August, of the council of the municipality of which the detached area forms part, and the detached area shall, subject to subsection 3 of section 65, be established as a school section or union school section or shall be added to a township school area or another school section or sections or a union school section or sections in accordance with this Act, and the provisions of section 17 with respect to the adjustment of rights and claims shall apply *mutatis mutandis*. Decreasing areas

3. Subsection 3 of section 21 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 316, s. 21 subs. 3, re-enacted

(3) On receipt of the notice of appeal, the county council shall either, Arbitration

(a)

- (a) dismiss the appeal; or
- (b) appoint a board of arbitrators consisting of not less than three and not more than five competent persons, one of whom shall be the county judge or some person named by him, and one of whom shall be the inspector, and a majority of whom shall form a quorum, and the arbitrators shall hear the appeal and, subject to the provisions of subsection 3 of section 65, shall form, divide, unite or alter the boundaries of the school section or school sections so far as to settle the matters complained of.

Rev. Stat.,  
c. 316, s. 44,  
amended

**4.** Section 44 of *The Public Schools Act* is amended by adding thereto the following subsection:

Board to be  
corporation

- (6) The board shall be a corporation and, where the section is wholly within one unorganized township, shall be known as "The Public School Board of Section No..... of the Township of..... in the Territorial District of..... (*inserting the number of the section and the names of the township and the district*)", and where the section includes all or parts of more than one unorganized township it shall be known as "The Board of Public School Trustees of Union School Section No..... in the Townships of..... in the Territorial District or Districts of..... (*inserting the number of the school section and the names of the townships and district or districts*)".

Rev. Stat.,  
c. 316, s. 50,  
amended

**5.** Section 50 of *The Public Schools Act* is amended by adding thereto the following subsection:

Board to be  
corporation

- (2a) The inspector shall select a name for the public school, and the board shall be a corporation and shall be known as "The Public School Board of ..... (*inserting the name*)".

Rev. Stat.,  
c. 316,  
ss. 87, 88,  
repealed

**6.** Sections 87 and 88 of *The Public Schools Act* are repealed.

Rev. Stat.,  
c. 316, s. 93,  
cls. a, b, c,  
repealed

**7.—(1)** Clauses *a*, *b* and *c* of section 93 of *The Public Schools Act* are repealed.

Rev. Stat.,  
c. 316, s. 93,  
cl. f,  
re-enacted

(2) Clause *f* of the said section 93 is repealed and the following substituted therefor:

- (f) to acquire or rent school sites and premises and to build school buildings.

(3) Clauses *g, h, i, l, n, o, v, w, x, z, za, ze* and *zf* of the said section 93 are repealed.

Rev. Stat.,  
c. 316, s. 93,  
cls. *g, h, i, l, n, o, v, w, x, z, za, ze, zf*,  
repealed

8. Sections 94, 96, 97, 98 and 101 of *The Public Schools Act* are repealed.

Rev. Stat.,  
c. 316,  
ss. 94, 96, 97,  
98, 101,  
repealed

9. Clause *a* of section 102 of *The Public Schools Act* is repealed.

Rev. Stat.,  
c. 316, s. 102,  
cl. *a*,  
repealed

10. Section 103 of *The Public Schools Act* is amended by striking out the words and figures "subsection 3 of section 139" in the sixth line and inserting in lieu thereof the words and figures "subsection 4 of section 43 of *The Schools Administration Act, 1954*", so that the section shall read as follows:

Rev. Stat.,  
c. 316, s. 103  
amended

103. Where the secretary of a rural school section is not a member of the board he may be allowed such remuneration for his services and for attending to the repairs of the schoolhouse or premises as shall be fixed by the trustees, and where he is a member of the board he may be allowed compensation for his services as provided in subsection 4 of section 43 of *The Schools Administration Act, 1954*.

Compensation  
of  
secretary-  
treasurer

1954, c. 86

11. Sections 109 and 110 of *The Public Schools Act* are repealed.

Rev. Stat.,  
c. 316, ss.  
109, 110,  
repealed.

12. Section 111 of *The Public Schools Act*, as amended by section 13 of *The Public Schools Amendment Act, 1953*, is repealed.

Rev. Stat.,  
c. 316, s. 111,  
repealed

13. Section 112, subsection 1 of section 122 and sections 127 and 128 of *The Public Schools Act* are repealed.

Rev. Stat.,  
c. 316, s. 112,  
s. 122,  
subs. 1,  
ss. 127, 128,  
repealed

14. Section 129 of *The Public Schools Act*, as amended by section 4 of *The Public Schools Amendment Act, 1951*, is repealed.

Rev. Stat.,  
c. 316, s. 129,  
repealed

15. Sections 130, 133, 134, 135 and 136 of *The Public Schools Act* are repealed.

Rev. Stat.,  
c. 316, ss.  
130, 133,  
134, 135,  
136, re-  
pealed

16. Subsections 1, 2 and 3 of section 137 of *The Public Schools Act* are repealed.

Rev. Stat.,  
c. 316, s. 137,  
subss. 1-3,  
repealed

17. Sections 138 to 152 of *The Public Schools Act* are repealed.

Rev. Stat.,  
c. 316, ss.  
138-152,  
repealed

18. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

19. This Act may be cited as *The Public Schools Amendment Act, 1954*.

Short title





## CHAPTER 80

## An Act to amend The Public Service Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 32a of *The Public Service Act*, as enacted by Rev. Stat., c. 317, s. 32a section 2 of *The Public Service Amendment Act, 1953*, is (1953, c. 91, s. 2), amended by adding thereto the following subsection:

- (5) Where the registrar of deeds or any of the members <sup>Past services</sup> of the permanent staff of his office makes payments to the Fund in respect of services performed by them before the 1st day of July, 1953, the registrar shall pay to the Fund from the fees of his office an amount equal to such payments, and if such fees are insufficient to pay the whole of such amount, the balance shall be paid to the Fund from the Consolidated Revenue Fund, and thereupon the registrar and each of such members respectively shall be entitled to credit in the Fund for such period of past service as is fixed by the Board.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Public Service Amendment* <sup>Short title</sup> *Act, 1954*.



## CHAPTER 81

## An Act to amend The Public Utilities Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 3 of section 67 of *The Public Utilities Act* is amended by striking out the word “Municipal” in the first line and inserting in lieu thereof the word “Fuel”. Rev. Stat., c. 320, s. 67, subs. 3, amended

(2) Subsection 5 of the said section 67 is amended by striking out the word “Municipal” in the second line and inserting in lieu thereof the word “Fuel”. Rev. Stat., c. 320, s. 67, subs. 5, amended

(3) Subsection 6 of the said section 67 is amended by striking out the word “Municipal” in the fourth line and inserting in lieu thereof the word “Fuel”. Rev. Stat., c. 320, s. 67, subs. 6, amended

**2.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

**3.** This Act may be cited as *The Public Utilities Amendment Act, 1954*. Short title





## CHAPTER 82

## An Act to amend The Real Estate and Business Brokers Act

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 3 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 332, s. 3  
subs. 1,  
cl. *a*, re-  
enacted

(a) trade in real estate as a broker unless he is registered as a broker;

(aa) trade in real estate as a salesman unless he is registered as a salesman of a registered broker.

(2) Subsection 2 of the said section 3 is amended by adding at the commencement thereof the words "Subject to section 41", so that the subsection shall read as follows: Rev. Stat.,  
c. 332, s. 3,  
subs. 2,  
amended

(2) Subject to section 41, any change in the membership of a partnership shall be deemed to create a new partnership and to extinguish any existing registration. Change in  
partnership

(3) The said section 3 is amended by adding thereto the following subsection: Rev. Stat.,  
c. 332, s. 3,  
amended

(3) A change in the officers of a registered limited company may be made only with the consent of the Registrar. Change in  
company's  
officers

2. Subsection 2 of section 4 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 332, s. 4,  
subs. 2, re-  
enacted

(2) The termination of the employment of a salesman with a registered broker shall operate as a suspension of the registration of the salesman until notice in writing has been received by the Registrar from

another

another registered broker of his intention to employ the salesman and until the salesman is again registered as a salesman.

Rev. Stat.,  
c. 332, s. 15,  
amended

**3.** Section 15 of *The Real Estate and Business Brokers Act* is amended by inserting after the word "shall" where it occurs in the first line of subsection 1 and in the first line of subsection 2, respectively, the word "immediately", so that the section shall read as follows:

Change in  
registration  
of broker;

15.—(1) Every registered broker shall immediately notify the Registrar in writing of,

- (a) any change in the address for service;
- (b) any change in the partners in the case of a partnership; and
- (c) the commencement and termination of employment of every salesman.

salesman

(2) Every registered salesman shall immediately notify the Registrar in writing of,

- (a) any change in his address for service; and
- (b) every commencement and termination of his employment by a registered broker.

Rev. Stat.,  
c. 332, s. 43,  
re-enacted

**4.** Section 43 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Unregistered  
broker and  
salesman

43. A person who is not registered as a broker shall neither directly nor indirectly hold himself out as being a broker and a person who is not registered as a salesman shall neither directly nor indirectly hold himself out as being a salesman.

Short title

**5.** This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1954*.

## CHAPTER 83

## An Act to amend The Registry Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Registry Act* is amended by adding thereto the following clause: Rev. Stat.,  
c. 336, s. 1,  
amended

(ee) "photographic film" includes any photographic plate, microphotographic film or photocopy negative.

**2.** *The Registry Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 336,  
amended

21a. Every treasurer of a county or city who is required by this Act to provide and maintain books for use in a registry office shall, when so ordered in writing by the Inspector, Photo-graphic film  
reproduc-tions

(a) provide and maintain a photographic film reproduction of instruments in place of such books; and

(b) replace existing books with photographic film reproductions,

in such manner and to such extent as the Inspector orders.

**3.** Section 22 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 336, s. 22,  
re-enacted

22. If a treasurer refuses to furnish any book as required by section 21 or refuses to provide and maintain any photographic film reproductions as the Inspector orders, the registrar may furnish such book or provide and maintain such photographic film reproductions and recover the cost thereof from the corporation of the county or city in default. Neglect of  
treasurer  
to provide  
books or  
reproduc-tions

Rev. Stat.,  
c. 336, s. 24,  
subs. 1, cl. *a*,  
amended

**4.**—(1) Clause *a* of subsection 1 of section 24 of *The Registry Act* is amended by inserting after the word “books” where it occurs the first time in the first line the words “or photographic film reproductions thereof”.

Rev. Stat.,  
c. 336, s. 24,  
subs. 1, cl. *d*,  
amended

(2) Clause *d* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,  
c. 336, s. 24,  
subs. 1, cl. *e*,  
amended

(3) Clause *e* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,  
c. 336, s. 24,  
subs. 1, cl. *f*,  
amended

(4) Clause *f* of subsection 1 of the said section 24 is amended by inserting after the word “book” in the first line the words “or photographic film reproduction thereof”.

Rev. Stat.,  
c. 336, s. 24,  
subs. 2-4,  
re-enacted;  
subs. 5-7,  
repealed

(5) Subsections 2, 3, 4, 5, 6 and 7 of the said section 24 are repealed and the following substituted therefor:

Index

(2) Each registry book and photographic film reproduction to be delivered shall have or be accompanied by an alphabetical index of names.

Comparing  
of books,  
etc.

(3) The registrar shall carefully compare all entries made in the registry books or photographic film reproductions thereof that he is required to deliver with the original entries in the registry book or photographic film reproduction thereof and shall certify in writing that he has done so.

Time for  
delivery  
of books,  
etc.

(4) The registrar shall perform the duties imposed upon him by this section within such time as the Inspector requires.

Rev. Stat.,  
c. 336, s. 25,  
amended

**5.** Section 25 of *The Registry Act* is amended by inserting after the word “books” in the second line the words “or photographic film reproductions thereof”.

Rev. Stat.,  
c. 336, s. 47,  
subs. 1,  
amended

**6.** Subsection 1 of section 47 of *The Registry Act* is amended by inserting after the word “book” in the seventh line the words “or by means of photographic film reproduction”.

Rev. Stat.,  
c. 336, s. 48  
subs. 5,  
amended

**7.** Subsection 5 of section 48 of *The Registry Act* is amended by adding at the end thereof the words “or by means of photographic film reproduction”.

Rev. Stat.  
c. 336,  
amended

**8.** *The Registry Act* is amended by adding thereto the following section:

- 52a.—(1) In this section, “assurance” includes a gift, conveyance, appointment, lease, transfer, settlement, mortgage, charge, encumbrance, devise, bequest and every other assurance by deed, will or other instrument. Interpretation
- (2) Where an assurance of land is made to or for the benefit of a corporation, the assurance shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by an officer of the corporation or by the attorney appointed for the purpose of executing such assurance on behalf of the corporation under a power of attorney registered in accordance with the provisions of this Act that such assurance is not made contrary to section 2 of *The Mortmain and Charitable Uses Act*. Affidavit or declaration as to corporation's authority to acquire land  
Rev. Stat., c. 241
- (3) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 2 cannot be obtained conveniently, the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with the affidavit or declaration, and thereupon shall endorse upon the assurance or securely attach thereto his order directing the registrar to register the assurance notwithstanding the absence of the affidavit or declaration, and the registrar shall thereupon register the assurance. Dispensing with affidavit or declaration
- (4) This section does not apply to an assurance made to or for the benefit of, Where section not to apply
- (a) a corporation that is licensed or registered under *The Insurance Act*, *The Investment Contracts Act* or *The Loan and Trust Corporations Act*; or Rev. Stat., cc. 183, 187, 214
- (b) a bank to which the *Bank Act* (Canada) applies; or R.S.C. 1952, c. 12
- (c) Central Mortgage and Housing Corporation.

9. Subsection 7 of section 60 of *The Registry Act* is amended by striking out the words “in full in the proper registry book” in the fifth and sixth lines and inserting in lieu thereof the words “or reproduced in full”. Rev. Stat., c. 336, s. 60, subs. 7, amended

10. Section 74 of *The Registry Act* is amended by adding thereto the following subsection: Rev. Stat., c. 336, s. 74, amended



Exception as  
to certain  
by-laws

(3) Subject to section 73, this section does not extend and shall be deemed never to have extended to,

Rev. Stat.,  
c. 243

(a) a by-law heretofore passed under section 390 of *The Municipal Act* or a predecessor of that section;

(b) a by-law hereafter passed under section 390 of *The Municipal Act*;

(c) any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land.

Existing  
uses  
protected

Rev. Stat.,  
cc. 336, 243

**11.**—(1) Notwithstanding anything in *The Registry Act*, where a by-law has been passed before the 19th day of March, 1954, under section 390 of *The Municipal Act* or a predecessor of that section and land to which *The Registry Act* and the by-law applies, or a building or structure thereon, was being used on that day, for a purpose prohibited by the by-law, by a person who purchased the land for valuable consideration without actual notice of the by-law, the by-law does not apply to the land, building or structure so long as it continues to be used for that purpose.

Proviso

(2) Subsection 1 applies only where the purchaser purchased the land,

(a) after the passing of the by-law;

(b) before the 19th day of March, 1954; and

(c) before the registration, if any, of the by-law under *The Registry Act*.

Idem

(3) Subsection 1 does not apply where the land, or a building or structure thereon, was being used, on the 19th day of March, 1954, for a purpose prohibited by the by-law, by virtue of regulation 45 of Ontario Regulations 98/52 or by virtue of a by-law passed under *The Rent Control Act, 1953*.

1953, c. 93

Rev. Stat.,  
c. 336, s. 84,  
subs. 1,  
re-enacted

**12.**—(1) Subsection 1 of section 84 of *The Registry Act* is repealed and the following substituted therefor:

Registration  
of plans  
where land  
subdivided

(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan which has not been already registered, the person making the survey and subdivision shall

within

within three months thereafter register a plan of the land on a scale not less than 100 feet to the inch and where the registrar consents the plan may be registered on a scale of not less than 200 feet to the inch.

(2) Subsection 7 of the said section 84 is repealed and the following substituted therefor:

Rev. Stat.,  
c. 336, s. 84,  
subs. 7,  
re-enacted

- (7) The plan shall be drawn upon linen and shall not exceed thirty inches in length by twenty-four inches in width, but where necessary the plan may be made in sections provided each section does not exceed thirty inches in length and twenty-four inches in width, and upon registration of every such plan there shall be tendered to the registrar together with the original plan a duplicate original and a true copy made by photographic film or blueprint process approved by the Inspector and mounted on stiff pasteboard of good quality.

How plans  
to be  
registered

**13.** Subsection 1 of section 106 of *The Registry Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 330, s. 106,  
subs. 1, re-  
enacted

- (1) Upon the request of the council of a municipality, the registrar shall furnish annually, semi-annually or monthly in accordance with the request a list of all conveyances by which land in the municipality has been transferred, mortgaged or leased that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such conveyance, the names and addresses of the parties, the consideration and a short description of the land.

Registrar  
to furnish  
municipality  
with list of  
conveyances

**14.** Subsection 2 of section 125 of *The Registry Act* is repealed.

Rev. Stat.,  
c. 336, s. 125,  
subs. 2,  
repealed

**15.**—(1) Section 8 comes into force on the 30th day of April, 1954.

Commence-  
ment

(2) Sections 10 and 11 come into force on the day this Act receives Royal Assent.

Idem

**16.** This Act may be cited as *The Registry Amendment Act, 1954*.

Short title



## CHAPTER 84

**An Act respecting Representation of the  
People in the Legislative Assembly**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding anything in any general or special Act, <sup>Boundaries</sup> the boundaries of any county, territorial district, city, town, village, township or improvement district shall for the purposes of this Act be deemed to be the boundaries of such county, territorial district, city, town, village, township or improvement district as defined by statute, by-law, proclamation or other lawful authority at the time this Act receives Royal Assent. R.S.O. 1950, c. 340, s. 1, *amended*.

**2.** The Legislative Assembly of Ontario shall consist of <sup>Number of</sup> ninety-eight members. R.S.O. 1950, c. 340, s. 2, *amended*.

**3.** Ontario shall for the purpose of representation in the <sup>Division of</sup> Assembly be divided into electoral districts as enumerated and <sup>Ontario into</sup> defined in the Schedule to this Act and one member shall be <sup>electoral</sup> returned to the Assembly for each electoral district. R.S.O. <sup>districts</sup> 1950, c. 340, s. 3.

**4.** The boundaries of any electoral district as set out in <sup>Changes in</sup> the Schedule to this Act shall not be affected by any alteration <sup>municipal</sup> in municipal boundaries made after this Act receives Royal <sup>boundaries</sup> Assent. R.S.O. 1950, c. 340, s. 4, *amended*.

**5.** The electors entitled to vote in any town or village not <sup>Towns and</sup> expressly included in an electoral district described in the <sup>villages on</sup> Schedule to this Act and lying within the boundaries of two <sup>boundary</sup> or more electoral districts shall be entitled to vote in the <sup>line</sup> electoral district in which they would have been so entitled if the town or village had not become incorporated. R.S.O. 1950, c. 340, s. 5.

Augmen-  
tations or  
gores of  
townships

**6.** Except as otherwise expressly set out in the Schedule to this Act, every augmentation or gore of a township shall for the purposes of this Act be considered as forming part of the electoral district in which the township is situate. R.S.O. 1950, c. 340, s. 6.

City having  
separate  
representa-  
tion

**7.** A city which constitutes an electoral district, or which is divided into two or more electoral districts, according to the Schedule to this Act, shall not for the purposes of this Act be deemed to form part of the electoral district within the limits of which it lies. R.S.O. 1950, c. 340, s. 7.

Cities,  
towns, etc.,  
included in  
electoral  
district in  
which  
situate

**8.** Every city, town, village, township or improvement district heretofore or hereafter incorporated, lying within the territorial limits of any electoral district described in the Schedule to this Act and not specially included in any other electoral district in the Schedule, shall form part of the electoral district in which it is situate. R.S.O. 1950, c. 340, s. 8.

Special Act  
overruled

**9.** Every city, town, village, township or improvement district which by the provisions of any special Act passed before this Act receives Royal Assent forms or forms part of any electoral district shall, notwithstanding such provisions, form or form part of the electoral district or districts in which it is included in the Schedule to this Act. R.S.O. 1950, c. 340, s. 9, *amended*.

Rev. Stat.,  
c. 340,  
repealed

**10.** *The Representation Act* is repealed.

Commence-  
ment

**11.** This Act comes into force and has effect on, from and after the dissolution or end of the present Legislative Assembly.

Short title

**12.** This Act may be cited as *The Representation Act, 1954*.



## SCHEDULE

## ELECTORAL DISTRICTS

THE ELECTORAL DISTRICT OF ALGOMA-MANITOULIN—to consist of those parts of the territorial districts of Sudbury, Algoma, and Manitoulin within the hereinafter described limits, that is to say: Commencing at the intersection of the west boundary of the Township of Travers with the shore of Georgian Bay; thence northerly along the west boundaries of the townships of Travers and Kilpatrick to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of Sale to the southwest angle of that township; thence northerly along the west boundary of the Township of Sale to the southeast angle of the Township of Goschen; thence westerly along the south boundaries of the townships of Goschen, Stalin and Roosevelt to the southwest angle of the last-named township; thence northerly along the west boundary of the Township of Roosevelt to the northwest angle of that township; thence westerly along the south boundary of the Township of Foster to the southwest angle of that township; thence northerly along the west boundaries of the townships of Foster, Nairn, Hyman and Totten to the northwest angle of the last-named township; thence westerly along the south boundary of Township 107 to the southwest angle of that township; thence northerly along the west boundary of Township 107 to the northwest angle of that township; thence westerly along the south boundary of Township 114 to the southwest angle of that township; thence northerly along the west boundaries of townships 114, 115, Gilbert and Dennie to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of LaFleche to the southwest angle of that township; thence northerly along the west boundary of the Township of LaFleche to the southeast angle of the Township of Alton; thence westerly along the south boundaries of the townships of Alton, Jasper, Durban, Ethel and Comox to the southwest angle of the last-named township; thence northerly along the west boundaries of the townships of Comox, Fulton and Iris to the northwest angle of the last-named township; thence westerly along the south boundaries of townships 8Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G and 8H to the southwest angle of the last-named township; thence continuing westerly along the south boundaries of townships 22, Range 15, and 23, Range 15, to the southwest angle of the last-named township; thence southerly along the west boundaries of townships 23 in Ranges 14, 13, 12, 11 and 10 to the northwest angle of the Township of Whitman; thence southerly along the west boundaries of the townships of Whitman and Chesley to the north boundary of the Township of Kehoe; thence easterly along the north boundary of the Township of Kehoe to the northeast angle of that township; thence southerly along the east boundary of the Township of Kehoe to the southeast angle of that township; thence westerly along the south boundary of the Township of Kehoe and its projection to Echo River; thence southerly and westerly along Echo River, Echo Bay, to Lake George; thence west astronomically to the International Boundary; thence southeasterly and along the International Boundary to its intersection with a line drawn west astronomically from a point measured 40 miles south astronomically from the point of commencement; thence east astronomically to a point measured 40 miles south astronomically from the point of commencement; thence north astronomically a distance of 40 miles to the point of commencement.

THE ELECTORAL DISTRICT OF BRANT—to consist of that part of the Township of Brantford lying north of the Grand River, the townships of Burford, Blenheim, South Dumfries, Oakland, Onondaga, Tuscarora, Windham, and Townsend, the Town of Paris, and the Village of Waterford.

THE ELECTORAL DISTRICT OF BRANTFORD—to consist of the City of Brantford, and that part of the Township of Brantford lying south of the Grand River.

THE ELECTORAL DISTRICT OF BRUCE—to consist of the townships of Albemarle, Amabel, Arran, Bruce, Eastnor, Elderslie, Lindsay, St. Edmunds, Saugeen, Brant, Greenock, and Kincardine, the towns of Chesley, Southampton, Wiarton, Kincardine, Port Elgin, and Walkerton, and the villages of Hepworth, Paisley, Tara, Tiverton, and Lion's Head.

THE ELECTORAL DISTRICT OF CARLETON—to consist of the townships of Fitzroy, Goulbourn, North Gower, Huntley, March, Marlborough, Nepean, and Torbolton, and the Village of Richmond, and that portion of the City of Ottawa bounded on the west by the city limits; bounded on the north by a line drawn as follows: Commencing at the intersection of the centre line of the Canadian National Railway line with the westerly limit of the City of Ottawa; thence continuing easterly along the said centre line of the Canadian National Railway line to its intersection with the centre line of Carling Avenue; thence continuing easterly along the centre line of Carling Avenue to the centre line of Preston Street; bounded on the east by the westerly limit of Dow's Lake, the centre line of the Rideau Canal and the centre line of the Rideau River.

THE ELECTORAL DISTRICT OF COCHRANE NORTH—to consist of those portions of the territorial districts of Cochrane, South Algoma, and Thunder Bay, and the Patricia Portion of the Territorial District of Kenora, within the hereinafter described limits: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the south shore of Lake Abitibi; thence in a northerly and north-westerly direction following the shore line of the said lake to the southeast angle of the Township of Galna; thence westerly along the southern boundary of the townships of Galna, Moody and Wesley to the southwest angle of the last-mentioned township; thence north along the west boundary of the said Township of Wesley to the southeast angle of the Township of Mortimer; thence west along the south limits of the townships of Mortimer, Pyne, St. John, Hanna, Reaume, Beck, Nesbitt, Aubin, Kingsmill and Kirkland; thence northerly along the westerly boundary of the Township of Kirkland to the southeast angle of the Township of Ford; thence westerly along the southern boundary of the townships of Ford, Stringer, Slack and Fenton; thence northerly along the western boundary of the townships of Fenton and Staples to the southern boundary of the Township of Sulman; thence westerly along the southern boundary of the townships of Sulman, Cargill, Ecclestone, Fergus, Rykert, Caithness, Scholfield and Talbott; thence northerly along the western limits of the townships of Talbott, Templeton, Landry and Irish to the northwest corner of the last-mentioned township; thence westerly along the southern boundary of the townships of Studholme, Gill, McMillan, McCoig, Kohler and Clavet; thence northerly along the western limit of the Township of Clavet to the southeast corner of the Township of Bell; thence west along the southern limit of the townships of Bell, Low, Klotz, Fernow, O'Meara and Bain; thence northerly along the western boundary of the townships of Bain and Raynar and following the boundary line between the Territorial District of Thunder Bay and

the Territorial District of Cochrane and the production of the said boundary line north astronomically to the northern boundary of Ontario; thence easterly, southerly and southeasterly along said northern boundary to a point where the boundary line between Quebec and Ontario intersects the south shore of James Bay; thence southerly along the said Interprovincial Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF COCHRANE SOUTH—to consist of those portions of the District of Timiskaming and the District of Cochrane described as follows: Commencing at a point on the line between Ontario and Quebec where the said boundary line intersects the production of the southern boundary of the Township of McFadden; thence westerly along the southern boundary of the townships of McFadden and Hearst to the southwest angle of the Township of Hearst; thence northerly along the west boundary of the Township of Hearst to the northwest angle thereof; thence westerly along the southern boundary of the townships of Gauthier, Lebel, Teck, Grenfell, Bompas, Dunmore, Sheba, Robertson, McNeil, Cleaver, Geikie, Bartlett, Musgrove, Doyle, Childerhouse and Pharand; thence northerly following the west boundary of the townships of Pharand, Hillary, Keefer and Whitesides to the southeasterly corner of the Township of Enid; thence westerly along the southern boundary of the townships of Enid, Strachan, Nova and Ossin; thence northerly along the western boundary of the townships of Ossin, Wadsworth, Lisgar, and Seaton to the northwest angle of the Township of Seaton; thence easterly along the northern boundary of the townships of Seaton, Griffin, Hicks and Oke to the northeast corner of the said Township of Oke; thence southerly along the eastern boundary of the Township of Oke to its intersection with the southern boundary of the Township of Kirkland; thence easterly along the southern boundary of the townships of Kirkland, Kingsmill, Aubin, Nesbitt, Beck, Reaume, Hanna, St. John, Pyne and Mortimer; thence southerly following the western boundary of the Township of Wesley to the southwest angle of the said township; thence easterly along the southern boundary of the townships of Wesley, Moody and Galna to the shore of Lake Abitibi; thence following the shore line of the said lake in a southerly and southeasterly direction to a point where the boundary between Ontario and Quebec intersects the south shore of the said lake; thence southerly along the said Interprovincial Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF DUFFERIN-SIMCOE—to consist of the townships of Adjala, Essa, Mono, Mulmur, Nottawasaga, Tecumseth, and Tossorontio, the towns of Alliston, Collingwood, Stayner, and Orangeville, and the villages of Beeton, Creemore, and Tottenham.

THE ELECTORAL DISTRICT OF DURHAM—to consist of the County of Durham.

THE ELECTORAL DISTRICT OF ELGIN—to consist of the townships of Southwold, Bayham, Malahide, South Dorchester, and Yarmouth, the City of St. Thomas, the Town of Aylmer, and the villages of Port Burwell, Port Stanley, Springfield, and Vienna.

THE ELECTORAL DISTRICT OF ESSEX NORTH—to consist of the townships of Maidstone, Rochester, Sandwich East, Sandwich South, Tilbury North, and Tilbury West, that part of the City of Windsor formerly comprising the City of East Windsor, the towns of Riverside and Tecumseh, and the villages of Belle River and St. Clair Beach.

THE ELECTORAL DISTRICT OF ESSEX SOUTH—to consist of the townships of Anderdon, Colchester North, Colchester South, Gosfield North, Gosfield South, Malden, Mersea and Pelee (including the islands forming part thereof), the towns of Amherstburg, Essex, Harrow, Kingsville and Leamington.

THE ELECTORAL DISTRICT OF FORT WILLIAM—to consist of all that portion of the Territorial District of Thunder Bay within the hereinafter described limits, that is to say: Commencing at a point on the International Boundary between Ontario and the United States of America where it is intersected by the boundary lines between the territorial districts of Thunder Bay and Rainy River; thence northerly along the said district boundary and continuing along the district boundary between the Territorial District of Kenora and the Territorial District of Thunder Bay; thence continuing north through the Patricia Portion of the District of Kenora, to the northern boundary of Ontario; thence in a north-easterly direction along the said northern boundary of Ontario to a point where it is intersected by a line drawn due north astronomically from the northwest angle of the Nipigon Forest Reserve to the middle thread of the Albany River; thence westerly following the middle thread of the Albany River to a point due north astronomically from the southeast angle of the Grand Trunk Pacific, Block I; thence south astronomically to the said southeast angle; thence east along the northern boundary of the Township of Forbes and the production thereof to the centre of Dog River; thence southerly down stream along the middle thread of Dog River to the northern limit of the Township of Oliver; thence east astronomically along the north boundary of the Township of Oliver to the northeast angle thereof; thence south astronomically along the east limit of the said Township of Oliver to the north limit of the Township of Paipoonge; thence east astronomically along the north limit of the Township of Paipoonge and along the north limit of the Township of Neebing to the west shore of Thunder Bay of Lake Superior; thence continuing due east astronomically 8 miles, more or less, to a point due north astronomically from the most easterly point on Pie Island in said Bay; thence due south astronomically 20 miles, more or less, to said International Boundary; thence southwesterly along said International Boundary to the mouth of the Pigeon River; thence continuing westerly along said International Boundary up Pigeon River to the west boundary of the Territorial District of Thunder Bay or place of beginning.

THE ELECTORAL DISTRICT OF FRONTENAC-ADDINGTON—to consist of the townships of Abinger, Anglesea, Ashby, Camden, Denbigh, Effingham, Kaladar, Sheffield, and the Village of Newburgh in the County of Lennox and Addington, and the townships of Barrie, Bedford, North Canonto, South Canonto, Clarendon, Hinchinbrook, Kennebec, Loughborough, Pittsburg, Miller, Olden, Oso, Palmerston, Portland, Kingston and Storrington in the County of Frontenac.

THE ELECTORAL DISTRICT OF GLENGARRY—to consist of the County of Glengarry, the Township of Caledonia and that part of East Hawkesbury Township and West Hawkesbury Township lying south of the original road allowance between Concessions four and five, and the Town of Vankleek Hill.

THE ELECTORAL DISTRICT OF GRENVILLE-DUNDAS—to consist of the County of Grenville and the County of Dundas.

THE ELECTORAL DISTRICT OF GREY NORTH—to consist of the townships of Collingwood, Derby, Keppel, Sarawak, St. Vincent, Sullivan and Sydenham, the City of Owen Sound, the towns of Meaford and Thornbury, and the Village of Shallow Lake.



THE ELECTORAL DISTRICT OF GREY SOUTH—to consist of the townships of Artemesia, Bentinck, Egremont, Holland, Euphrasia, Glenelg, Normanby, Osprey, and Proton, the towns of Durham and Hanover, and the villages of Chatsworth, Dundalk, Markdale, Neustadt, and Flesherton.

THE ELECTORAL DISTRICT OF HALDIMAND-NORFOLK—to consist of the County of Haldimand, the townships of Charlotteville, Houghton, Middleton, Walsingham North, Walsingham South (including Long Point), and Woodhouse, the towns of Port Dover and Simcoe, and the villages of Delhi and Port Rowan.

THE ELECTORAL DISTRICT OF HALTON—to consist of the County of Halton.

THE ELECTORAL DISTRICT OF HAMILTON CENTRE—to consist of that part of the City of Hamilton lying between the centre line of Dundurn Street on the west and the centre line of Wentworth Street on the east and continuing northerly to the north limits of the City and southerly to the brow of the Mountain.

THE ELECTORAL DISTRICT OF HAMILTON EAST—to consist of that part of the City of Hamilton lying between the centre line of Wentworth Street on the west and the centre line of Kenilworth Avenue on the east and continuing northerly to the north limits of the City and southerly to the brow of the Mountain.

THE ELECTORAL DISTRICT OF HAMILTON-WENTWORTH—to consist of that portion of the City of Hamilton lying west of the centre line of Dundurn Street, the townships of East Flamboro, West Flamboro, and Beverley, the Town of Dundas and the Village of Waterdown.

THE ELECTORAL DISTRICT OF HASTINGS EAST—to consist of the townships of Hungerford, Huntingdon, Thurlow, Tyendinaga, Madoc, Wicklow, Bangor, Tudor, Limerick, Dungannon, Montegale, Carlow, Mayo, Cashel, Grimsthorpe, and Elzevir, the Town of Deseronto, and the villages of Madoc and Tweed.

THE ELECTORAL DISTRICT OF HASTINGS WEST—to consist of the townships of Sidney, Rawdon, Marmora, Lake, Wollaston, Faraday, Herschel, and McClure, the City of Belleville, the Town of Trenton, and the villages of Delora, Marmora, Frankford, Bancroft, and Stirling.

THE ELECTORAL DISTRICT OF HURON—to consist of the townships of Goderich, Hay, Hullett, McKillop, Stanley, Stephen, Tuckersmith, and Usborne, the towns of Clinton, Exeter, Goderich, and Seaforth, and the Village of Hensall.

THE ELECTORAL DISTRICT OF HURON-BRUCE—to consist of the townships of Ashfield, Carrick, Colborne, Culross, Grey, Howick, Huron, Kinloss, Morris, Turnberry, East Wawanosh, and West Wawanosh, the Town of Wingham, and the villages of Blyth, Brussels, Lucknow, Mildmay, Ripley, and Teeswater.

THE ELECTORAL DISTRICT OF KENORA—to consist of the Territorial District of Kenora, including that part of the Patricia Portion lying west of the production in a northerly direction through the Patricia Portion of the boundary line between the Territorial District of Thunder Bay and the Territorial District of Kenora to the northern boundary of Ontario.

THE ELECTORAL DISTRICT OF KENT EAST—to consist of the townships of Camden (not including Gore), Harwich, Howard, Orford, Zone, Aldborough, and Dunwich, the towns of Blenheim, Bothwell, and Ridgetown, and the villages of Erieau, Highgate, Thamesville, Dutton, Rodney, and West Lorne.



THE ELECTORAL DISTRICT OF KENT WEST—to consist of the townships of Chatham, Dover, Raleigh, Romney, and Tilbury East, the City of Chatham, the towns of Tilbury and Wallaceburg, and the villages of Erie Beach and Wheatley.

THE ELECTORAL DISTRICT OF KINGSTON—to consist of the City of Kingston, Amherst Island, Howe Island, and Wolfe Island (including Simcoe Island, Horseshoe Island and Mud Island).

THE ELECTORAL DISTRICT OF LAMBTON EAST—to consist of the townships of Bosanquet, Brooke, Dawn, Enniskillen, Euphemia, Plympton, and Warwick, the Gore of Camden, the towns of Dresden, Forest, and Petrolea, and the villages of Alvinston, Arkona, Grand Bend, Oil Springs, Thedford, Watford, and Wyoming.

THE ELECTORAL DISTRICT OF LAMBTON WEST—to consist of the townships of Moore, Sarnia, and Sombra (including Walpole Island, St. Anne's Island and the other islands at the mouth of the River St. Clair), the City of Sarnia and the villages of Courtwright and Point Edward.

THE ELECTORAL DISTRICT OF LANARK—to consist of the townships of Beckwith, Bathurst, North Burgess, Dalhousie, Darling, Drummond, North Elmsley, Lanark, Lavan, Montague, Pakenham, Ramsay, North Sherbrooke, and South Sherbrooke, the towns of Almonte, Carleton Place, Perth, and Smith's Falls, and the Village of Lanark.

THE ELECTORAL DISTRICT OF LEEDS—to consist of the County of Leeds and the towns of Brockville and Gananoque.

THE ELECTORAL DISTRICT OF LINCOLN—to consist of the County of Lincoln and the City of St. Catharines.

THE ELECTORAL DISTRICT OF LONDON NORTH—to consist of those portions of the City of London and the Township of London within the hereinafter described limits, that is to say: Commencing at the point of intersection of the centre line of Crumlin sideroad and the centre line of Dundas Street; thence northerly along the centre line of the Crumlin sideroad to the centre line of the road in front of the Third Concession of the Township of London; thence westerly along the production easterly of the centre line of the road in front of the Third Concession and the centre line of the road in front of the Third Concession and the production westerly of the centre line of the road in front of the Third Concession to the centre line of the Western Road; thence southerly along the centre line of the Western Road to the centre line of Platt's Lane; thence southerly along the centre line of Platt's Lane to the centre of Oxford Street; thence westerly along the centre line of Oxford Street to the easterly boundary of Mount Pleasant Cemetery; thence southerly along the easterly boundary of Mount Pleasant Cemetery to the city limit; thence southerly along the city limit to the centre line of the main stream of the River Thames; thence easterly along the centre line of the main stream of the River Thames and the north branch of the River Thames to a point where it is intersected by the centre line of Dundas Street projected westerly; thence easterly along the centre line of Dundas Street to the place of beginning.

THE ELECTORAL DISTRICT OF LONDON SOUTH—to consist of those portions of the City of London and the Township of London within the hereinafter described limits, that is to say: Commencing at the easterly limit of the City of London where it crosses the centre line of the south branch of the River Thames; thence southeasterly along the centre line of the

south branch of the River Thames to the centre line of the Crumlin sideroad and the southerly production thereof; thence northerly along the southerly production of the centre line of the Crumlin sideroad and the centre line of the Crumlin sideroad to the point at which it is intersected by the centre line of Dundas Street; thence westerly along the centre line of Dundas Street to the centre line of the north branch of the River Thames; thence southerly and westerly along the centre line of the north branch of the River Thames and the main stream of the River Thames to a point where the said centre line of the main stream of the River Thames intersects the westerly limit of the City of London; thence along the westerly and southerly limits of the City of London to the place of beginning.

THE ELECTORAL DISTRICT OF MIDDLESEX NORTH—to consist of that portion of the Township of London not included in the Electoral Districts of London North and London South hereinbefore described, the townships of Biddulph, McGillivray, West Nissouri, East Williams, and West Williams; the Town of Parkhill, and the villages of Ailsa Craig and Lucan.

THE ELECTORAL DISTRICT OF MIDDLESEX SOUTH—to consist of the townships of Adelaide, Caradoc, Delaware, North Dorchester, Ekfrid, Lobo, Medcalfe, Mosa, and Westminster, the Town of Strathroy, and the villages of Glencoe, Newbury, and Wardsville.

THE ELECTORAL DISTRICT OF MUSKOKA—to consist of the Territorial District of Muskoka except the Township of Baxter.

THE ELECTORAL DISTRICT OF NIAGARA FALLS—to consist of the townships of Bertie, Stamford, and Willoughby, the City of Niagara Falls, the Town of Fort Erie and the villages of Chippawa and Crystal Beach.

THE ELECTORAL DISTRICT OF NICKEL BELT—to consist of those parts of the territorial districts of Sudbury and Algoma within the hereinafter described limits, that is to say: Commencing at the northeast angle of the Township of Zavitz in the Territorial District of Sudbury; thence southerly along the east boundaries of the townships of Zavitz, Hutt, Halliday, Mond, Natal, Macmurchy, Fawcett, Ogilvie, Browning, Unwin, Leask, McNamara, and Beaumont to the southeast angle of the last-named township; thence easterly along the north boundary of the Township of Creelman to the northeast angle of that township; thence southerly along the east boundary of the Township of Creelman to the southeast angle thereof; thence easterly along the north boundary of the townships of Parkin, Aylmer, Mackelcan, and McCarthy to the northeast angle of the last-named township; thence southerly along the east boundaries of the townships of McCarthy, Kelly, Davis, Loughrin, Hagar, and Appleby to the southeast angle of the last-named township; thence westerly along the south boundary of the Township of Appleby to the northeast angle of the Township of Jennings; thence southerly along the east boundaries of the townships of Jennings, Cherriman, Cosby, and Mason to the centre line of the channel of the French River being the southerly boundary of the Territorial District of Sudbury; thence southwesterly along the centre line of the channel of the French River that lies adjacent to the south boundaries of the townships of Mason, Bigwood, Allen and Struthers to the southerly production of the east boundary of the Township of Travers; thence north along the said production to the water's edge of the channel of the French River; thence southwesterly following the water's edge of the said channel and the water's edge of Georgian Bay to the west boundary

of the Township of Travers; thence northerly along the west boundaries of the townships of Travers and Kilpatrick to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of Sale to the southwest angle of that township; thence northerly along the west boundary of the Township of Sale to the southeast angle of the Township of Goschen; thence westerly along the south boundaries of the townships of Goschen, Stalin, and Roosevelt to the southwest angle of the last-named township; thence northerly along the west boundary of the Township of Roosevelt to the northwest angle of that township; thence westerly along the south boundary of the Township of Foster to the southwest angle of that township; thence northerly along the west boundaries of the townships of Foster, Nairn, Hyman, and Totten to the northwest angle of the last-named township; thence westerly along the south boundary of Township 107 to the southwest angle of that township; thence northerly along the west boundary of Township 107 to the northwest angle of that township; thence westerly along the south boundary of Township 114 to the southwest angle of that township; thence northerly along the west boundaries of townships 114, 115, Gilbert, and Dennie to the northwest angle of the last-named township; thence westerly along the south boundary of the Township of LaFleche to the southwest angle of that township; thence northerly along the west boundary of the Township of LaFleche to the southeast angle of the Township of Alton; thence westerly along the south boundaries of the townships of Alton, Jasper, Durban, Ethel, and Comox to the southwest angle of the last-named township; thence northerly along the west boundaries of the townships of Comox, Fulton, and Iris to the northwest angle of the last-named township; thence westerly along the south boundaries of townships 8Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G, and 8H to the southwest angle of the last-named township; thence continuing westerly along the south boundaries of townships 22, Range 15, and 23, Range 15 to the southwest angle of the last-named township; thence northerly along the west boundaries of townships 23, Range 15; 23, Range 16; 23, Range 17; 23, Range 18; 23, Range 19; 23, Range 20, Topham, and Cosens to the northwest angle of the last-named township; thence westerly along the south boundary of Township 23, Range 23 to the southwest angle of that township; thence northerly along the west boundaries of townships 23, Range 23, Hornell, Bader, 44, Stover, Rennie, Winget, Makawa, Mildred, Marjorie, Walls, and Roche to the northwest angle of the last-named township; thence easterly along the north boundaries of the townships of Roche, Pelletier, Doherty, Abbott, Opazatika, Bourinot, and Shanly to the northeast angle of the last-named township; thence southerly along the east boundaries of the townships of Shanly, Concobar, Allenby, Buchan, Davin, and Loughheed to the southeast angle of the last-named township; thence easterly along the north boundaries of the townships of Shenango, Oates, Oswald, Melrose, and Frey to the northeast angle of the last-named township; thence southerly along the east boundaries of the townships of Frey, Sewell, and Kenogaming to the northwest angle of the Township of Crothers; thence easterly along the north boundaries of the townships of Crothers, McBride, Hassard, Beemer, English, and Zavitz to the northeast angle of that township, the point of commencement; excepting therefrom the Township of McKim, the City of Sudbury and the towns of Copper Cliff and Frood Mine.

THE ELECTORAL DISTRICT OF NIPISSING—to consist of those parts of the territorial districts of Sudbury and Nipissing within the hereinafter described limits, that is to say: Commencing at the northwest angle of the Township of McNish in the Terri-

torial District of Sudbury; thence easterly along the north boundaries of the townships of McNish, Pardo, Hobbs, McCallum, Sisk, Kenny, Gooderham, La Salle, McAuslan, and Wyse and the easterly production of the north boundary of the last-named township to the Interprovincial Boundary between Ontario and Quebec; thence southeasterly along the said Interprovincial Boundary to its intersection with the northerly production of the east boundary of the Township of Papineau; thence southeasterly along the east boundaries of the townships of Papineau, Boyd, Lister, Freswick, Bower, and Sproule to the southeast angle of the last-named township; thence southwesterly along the south boundaries of the townships of Sproule, Canisbay, Peck, and Finlayson to the southwest angle of the last-named township; thence northwesterly along the west boundary of the Township of Finlayson to the northwest angle of that township; thence northeasterly along the north boundary of the Township of Finlayson to the southwest angle of the Township of McCraney; thence northwesterly along the west boundaries of the townships of McCraney, Butt, Paxton, and Ballantyne to the northwest angle of the last-named township; thence northeasterly along the north boundary of the Township of Ballantyne to the southwest angle of the Township of Chisholm; thence northwesterly along the west boundaries of the townships of Chisholm and East Ferris to the south boundary of the Township of West Ferris being the boundary between the territorial districts of Nipissing and Parry Sound; thence westerly along the boundary between the territorial districts of Parry Sound and Nipissing and continuing westerly along the boundary between the territorial districts of Parry Sound and Sudbury to its intersection with the southerly production of the west boundary of the Township of Scollard in the Territorial District of Sudbury; thence northerly along the west boundaries of the townships of Scollard, Martland, Haddo, and Casimir to the northwest angle of the last-named township; thence easterly along the north boundary of the Township of Casimir to the southwest angle of the Township of Dunnet; thence northerly along the west boundaries of the townships of Dunnet, Ratter, Henry, Janes, and McNish to the northwest angle of the last-named township, the point of commencement.

THE ELECTORAL DISTRICT OF NORTHUMBERLAND—to consist of the County of Northumberland.

THE ELECTORAL DISTRICT OF ONTARIO—to consist of all of the County of Ontario not included in the Electoral District of Oshawa.

THE ELECTORAL DISTRICT OF OSHAWA—to consist of the City of Oshawa, the Improvement District of Ajax, and the parts of the Town of Whitby and the townships of Pickering and Whitby lying south of the line described as follows: Commencing at a point in the west boundary of the Township of Pickering where it intersects the centre line of the road between the fourth and fifth concessions of the Township of Pickering; thence easterly along the centre line of the said road to the westerly boundary of the Township of Whitby; thence southerly along the westerly boundary of the Township of Whitby to the centre line of King's Highway No. 401; thence easterly along the centre line of King's Highway No. 401 to the west boundary of the City of Oshawa.

THE ELECTORAL DISTRICT OF OTTAWA EAST—to consist of all that part of Ward 1 in the City of Ottawa formerly known as Rideau Ward, all of Wards 2 and 3, and those parts of Wards 4, 6 and 7 described as follows: Commencing at a point in the centre line of the Ottawa River where it is intersected by the



east boundary of Ward 4; thence southerly along the east boundary of Ward 4 to the centre line of Sparks Street; thence westerly along the centre line of Sparks Street to its intersection with the centre line of Wellington Street; thence southwesterly along the centre line of Wellington Street to its intersection with the centre line of Parkdale Avenue; thence northerly along the centre line of Parkdale Avenue to its intersection with the centre line of the Ottawa River; thence easterly following the centre line of the Ottawa River to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA SOUTH—to consist of Ward 5 in the City of Ottawa and the parts of Wards 4 and 6 lying south of a line described as follows: Commencing at a point in the east boundary of Ward 4 where it is intersected by the centre line of Sparks Street; thence westerly along the centre line of Sparks Street to its intersection with the centre line of Wellington Street; thence southwesterly along the centre line of Wellington Street to its intersection with the west boundary of Ward 6.

THE ELECTORAL DISTRICT OF OTTAWA WEST—to consist of the parts of Wards 7, 8 and 9 in the City of Ottawa bounded as follows: Commencing at the intersection of the westerly limit of the City of Ottawa with the centre line of the Canadian National Railway line; thence northerly along the said westerly city limit to the centre line of the Ottawa River; thence easterly along the centre line of the Ottawa River to its intersection with the production northerly of the centre line of Parkdale Avenue; thence southerly along the production northerly of the centre line of Parkdale Avenue and along the centre line of Parkdale Avenue to its intersection with the centre line of Wellington Street; thence easterly along the centre line of Wellington Street to its intersection with the centre line of Preston Street; thence southerly along the centre line of Preston Street to its intersection with the centre line of Carling Avenue; thence westerly along the centre line of Carling Avenue to its intersection with the centre line of the Canadian National Railway line; thence continuing westerly along the centre line of the Canadian National Railway line to its intersection with the westerly limit of the City of Ottawa, the place of beginning.

THE ELECTORAL DISTRICT OF OXFORD—to consist of the townships of Blandford, East Nissouri, East Zorra, West Zorra, Dereham, North Norwich, South Norwich, East Oxford, West Oxford, and North Oxford, the City of Woodstock, the towns of Ingersoll and Tillsonburg and the villages of Embro, Tavistock, and Norwich.

THE ELECTORAL DISTRICT OF PARRY SOUND—to consist of the Territorial District of Parry Sound.

THE ELECTORAL DISTRICT OF PEEL—to consist of the County of Peel.

THE ELECTORAL DISTRICT OF PERTH—to consist of the County of Perth, the City of Stratford, and the towns of Palmerston and St. Marys.

THE ELECTORAL DISTRICT OF PETERBOROUGH—to consist of the County of Peterborough and the City of Peterborough.

THE ELECTORAL DISTRICT OF PORT ARTHUR—to consist of all that portion of the Territorial District of Thunder Bay within the hereinafter described limits, that is to say: Commencing at a point in Lake Superior on the International Boundary between Ontario and the United States of America where the said International Boundary is intersected by the boundary between the territorial districts of Thunder Bay and Algoma,



in longitude 85° 20' west; thence due north astronomically along said meridian line to the southeast angle of the Township of Bell, a distance of 176 miles, more or less; thence west astronomically along the south limit of the townships of Bell, Low, Klotz, Fernow, O'Meara, and Bain, 54 miles, more or less, to the southwest angle of the last-named township; thence north astronomically along the western limit of the townships of Bain and Raynar and the boundary between the territorial districts of Thunder Bay and Cochrane and the said boundary produced to the northern limit of the Patricia Portion of the Territorial District of Kenora; thence westerly and southwesterly following the said northern limit to a point due north astronomically from the northwest angle of the Nipigon Forest Reserve; thence due south to the centre line of the Albany River; thence following the middle thread of the Albany River to a point due north astronomically of the southeast angle of the Grand Trunk Pacific, Block I; thence south astronomically to the said southeast angle; thence east along the north boundary of the Township of Forbes and the production thereof to the centre of Dog River; thence southerly down stream along the middle thread of Dog River to the northern limit of the Township of Oliver; thence east astronomically along the northern limit of the Township of Oliver to the northeast angle thereof; thence south astronomically along the east limit of the Township of Oliver to the north limit of the Township of Paipoonge; thence east astronomically along the northern limit of the Township of Paipoonge and along the northern limit of the Township of Neebing to the west shore of Thunder Bay of Lake Superior; thence continuing due east astronomically 8 miles, more or less, to a point due north astronomically from the most easterly point of Pie Island in said Bay; thence due south astronomically 20 miles, more or less, to the said International Boundary; thence northeast and southeast along the said International Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF PRESCOTT—to consist of the townships of Alfred, Clarence, Cambridge, Longueuil, North Plantagenet, South Plantagenet, that part of the townships of East Hawkesbury and West Hawkesbury lying north of the original road allowance between Concessions four and five, the towns of Hawkesbury and Rockland, and the villages of Alfred, L'Orignal and Casselman.

THE ELECTORAL DISTRICT OF PRINCE EDWARD-LENNOX—to consist of the County of Prince Edward, the townships of Adolphustown, North Fredericksburg, South Fredericksburg, Richmond and Ernestown, the Town of Napanee, and the Village of Bath.

THE ELECTORAL DISTRICT OF RAINY RIVER—to consist of the Territorial District of Rainy River.

THE ELECTORAL DISTRICT OF RENFREW NORTH—to consist of the townships of Airy, Anglin, North Algona, Alice, Bromley, Buchanan, Bronson, Barron, Clara, Cameron, Clancy, Dickens, Deacon, Dickson, Edgar, Fraser, Fitzgerald, Guthrie, Head, Lyell, Maria, McKay, Murchison, Master, Niven, Pembroke, Petawawa, Preston, Rolph, Ross, Stafford, Sabine, Stratton, Westmeath, Wilberforce, Wylie, and White, the Town of Pembroke, the villages of Cobden and Chalk River and that part of the Village of Eganville lying north of the Bonnechere River.

THE ELECTORAL DISTRICT OF RENFREW SOUTH—to consist of the townships of Admaston, South Algona, Bagot, Blithfield, Brougham, Brudenell, Burns, Grattan, Griffith, Hagarty, Horton, Jones, Lyndoch, Matawatchan, McNab, Raglan, Radcliffe,

Richards,

Richards, Sebastopol, and Sherwood, the towns of Arnprior and Renfrew, and the villages of Barry's Bay, Braeside, and Killaloe Station and that part of the Village of Eganville lying south of the Bonnechere River.

THE ELECTORAL DISTRICT OF RUSSELL—to consist of the townships of Cumberland, Gloucester, Osgoode, and Russell, the Town of Eastview, and the Village of Rockcliffe Park, and that portion of Ward 1 in the City of Ottawa not included in the Electoral District of Ottawa East.

THE ELECTORAL DISTRICT OF STORMONT—to consist of the County of Stormont and the City of Cornwall.

THE ELECTORAL DISTRICT OF SAULT STE. MARIE—to consist of that part of the Territorial District of Algoma described as follows: Commencing at the mouth of Echo River on the Garden River Indian Reserve; thence due west astronomically to the International Boundary between Ontario and the United States of America; thence northerly, westerly and north-westerly along the said International Boundary to where it is intersected by the boundary between the territorial districts of Thunder Bay and Algoma in longitude  $85^{\circ} 20'$  west; thence due north astronomically following the said boundary to the southwest corner of the Township of Clavet; thence east astronomically along the south boundary of the townships of Clavet, Kohler, McCoig, McMillan, Gill, and Studholme 56 miles, more or less, to the southeast angle of the Township of Studholme; thence southerly in a straight line to the northwest angle of the Township of Templeton, a distance of 18 miles, more or less; thence continuing south along the west boundary of the townships of Templeton and Talbott, a distance of 18 miles, more or less, to the southwest angle of the latter; thence east astronomically along the south boundary of the Township of Talbott 2 miles 77 chains, more or less, to the northeast angle of the Township of Franz; thence south astronomically along the east boundary of the townships of Franz, Hawkins, Irving, Martin, and Moorehouse, and continuing southerly to a point on Niven's base line in latitude  $48^{\circ} 27' 54''$  north, which point constitutes the northwest angle of the Territorial District of Sudbury, a distance of 51 miles, more or less; thence south along T. B. Speight's meridian line, which constitutes the boundary between the territorial districts of Sudbury and Algoma, to the northwest angle of the Mississauga Forest Reserve, a distance of 84 miles, more or less; thence continuing south astronomically along the west limit of townships No. 23, Ranges 14, 13, 12, 11 and 10, and the townships of Whitman and Chesley, to the north limit of the Township of Kehoe; thence easterly along said north limit to the northeast angle thereof; thence south along the east limit of said township to the southeast angle thereof; thence west along said south boundary and its production to the Echo River; thence down Echo River to the place of beginning.

THE ELECTORAL DISTRICT OF SIMCOE CENTRE—to consist of the townships of Floss, Innisfil, Sunnidale, Tiny, Vespra, and West Gwillimbury, the towns of Barrie and Penetanguishene, and the villages of Bradford, Elmvale, and Wasaga Beach.

THE ELECTORAL DISTRICT OF SIMCOE EAST—to consist of the townships of Baxter, Matchedash, Medonte, Orillia, Oro, and Tay, the towns of Midland and Orillia, and the villages of Coldwater, Port McNicoll and Victoria Harbour.

THE ELECTORAL DISTRICT OF SUDBURY—to consist of the Township of McKim, the City of Sudbury, and the towns of Copper Cliff, and Frood Mine.

THE ELECTORAL DISTRICT OF TIMISKAMING—to consist of all that portion of the territorial districts of Nipissing, Sudbury, and Timiskaming within the hereinafter described limits: Commencing at a point in the Interprovincial Boundary between Ontario and Quebec in the Ottawa River where the same is intersected by the easterly production of the north boundary of the Township of Wyse; thence due west astronomically  $59\frac{3}{4}$  miles, more or less, to the northwest angle of the Township of McNish; thence north astronomically along the east limit of the Township of McCarthy 6 miles, more or less, to the northeast angle thereof; thence west astronomically along the north boundary of the townships of McCarthy, Mackelcan, Aylmer, and Parkin 25 miles, more or less, to the northwest angle thereof; thence north along the east boundary of the Township of Creelman to the northeast angle thereof; thence west astronomically along the north limit thereof 6 miles, more or less, to the southwest angle of the Township of Beresford; thence north along the west limits of the townships of Beresford, Cotton, Valin, Stull, Dufferin, North Williams, Leonard, Tyrell, Knight, Raymond, Midlothian, Montrose and Hincks 78 miles, more or less, to the northwest angle of the Township of Hincks; thence east along the south boundary of the townships of Cleaver, McNeil, Robertson, Sheba, Dunmore, Bompas, Grenfell, Teck, Lebel, and Gauthier; thence south along the west boundary of the Township of Hearst to the southwest angle thereof; thence east along the south boundary of the townships of Hearst and McFadden to the Interprovincial Boundary between Ontario and Quebec; thence south astronomically along the said Interprovincial Boundary to the head of Lake Timiskaming; thence southerly through Lake Timiskaming and the Ottawa River along the said Interprovincial Boundary to the place of beginning.

THE ELECTORAL DISTRICT OF VICTORIA—to consist of the County of Victoria and the Provisional County of Haliburton.

THE ELECTORAL DISTRICT OF WATERLOO NORTH—to consist of the townships of Wellesley and Woolwich and the north part of the Township of Waterloo, the cities of Kitchener and Waterloo, the Town of Elmira, and the Village of Bridgeport.

THE ELECTORAL DISTRICT OF WATERLOO SOUTH—to consist of the townships of North Dumfries and Wilmot and the south part of the Township of Waterloo, the City of Galt, the towns of Hespeler and Preston, and the villages of Ayr and New Hamburg.

THE ELECTORAL DISTRICT OF WELLAND—to consist of the townships of Crowland, Humberstone, Thorold, Wainfleet and Pelham, the City of Welland, the towns of Port Colborne and Thorold, and the Village of Fonthill.

THE ELECTORAL DISTRICT OF WELLINGTON-DUFFERIN—to consist of the townships of Arthur, Erin, Amaranth, East Garafraxa, Eramosa, West Garafraxa, East Luther, West Luther, Maryborough, Minto, Peel, and Melancthon, the towns of Harrison and Mount Forest, and the villages of Arthur, Clifford, Drayton, Erin, Grand Valley, and Shelburne.

THE ELECTORAL DISTRICT OF WELLINGTON SOUTH—to consist of the townships of Guelph, Nichol, Pilkington, and Puslinch, the City of Guelph, the Town of Fergus, and the Village of Elora.

THE ELECTORAL DISTRICT OF WENTWORTH—to consist of that portion of the City of Hamilton lying on the Mountain and bounded on the north by the brow of the Mountain and on the south by the southerly limits of the City of Hamilton, the townships of Ancaster, Barton, Binbrook, and Glanford.

THE ELECTORAL DISTRICT OF WENTWORTH EAST—to consist of that portion of the City of Hamilton lying east of the centre line of Kenilworth Avenue; the Township of Saltfleet, and the Village of Stoney Creek.

THE ELECTORAL DISTRICT OF WINDSOR-WALKERVILLE—to consist of all that part of the City of Windsor, and the whole of the former Town of Walkerville, within the following limits: Commencing at a point on the centre line of Ouellette Avenue, in the City of Windsor, at its northern terminus; thence southerly along the centre line of Ouellette Avenue to Giles Boulevard; thence easterly along the centre line of Giles Boulevard to Howard Avenue; thence southerly along the centre line of Howard Avenue and proceeding in a straight line to the south boundary of the City of Windsor; thence easterly along the south boundaries of the City of Windsor and the former Town of Walkerville to the easterly limit of the former Town of Walkerville; thence northerly along the said easterly limit to the Detroit River; thence westerly along the bank of the said River to the place of beginning.

THE ELECTORAL DISTRICT OF WINDSOR-SANDWICH—to consist of that part of the City of Windsor and the whole of the former Town of Sandwich within the following limits: Commencing at the northern terminus of the westerly limit of the former Town of Sandwich; thence in a southerly direction along the said limit to the southerly limit of the former Town of Sandwich; thence easterly along the southern boundaries of the former Town of Sandwich and the City of Windsor to a point from which a straight line may be drawn through the centre line of Howard Avenue in the City of Windsor; thence northerly in a straight line through the centre line of Howard Avenue to the intersection of Howard Avenue with Giles Boulevard; thence westerly along the centre line of Giles Boulevard to the centre line of Ouellette Avenue; thence northerly along the centre line of Ouellette Avenue to the Detroit River; thence westerly along the bank of the said River to the place of beginning; the Township of Sandwich West, and the towns of LaSalle and Ojibway.

THE ELECTORAL DISTRICT OF YORK CENTRE—to consist of that portion of the Township of North York lying west of the centre line of Yonge Street.

THE ELECTORAL DISTRICT OF YORK EAST—to consist of the Township of East York, and that portion of the Township of North York lying east of the centre line of Yonge Street, and the Town of Leaside.

THE ELECTORAL DISTRICT OF YORK-HUMBER—to consist of all that portion of the Township of Etobicoke lying east of a line drawn as follows: Commencing at the southwesterly corner of the Town of Mimico; thence northerly along the westerly boundary and boundary produced of the Town of Mimico to an intersection with the Queen Elizabeth Way; thence easterly along the Queen Elizabeth Way to the intersection of Royal York Road; thence northerly along Royal York Road to the intersection of the westerly production of Sunnydale Drive; thence easterly along said production of Sunnydale Drive and Sunnydale Drive to the intersection of Prince Edward Drive; thence northerly along Prince Edward Drive to the intersection of Bloor Street West; thence easterly along Bloor Street West and Old Mill Road to the Humber River; together with the Town of Mimico and all that portion of the Township of York lying west of a line drawn as follows: Commencing at the Humber River at the south limit of the Town of Weston; thence easterly along said south limit to the southwesterly boundary of the Township of North York; thence southeasterly along the said southwesterly boundary



to the intersection of Jane Street; thence southerly along Jane Street to the intersection of Lambton Avenue; thence easterly along Lambton Avenue to the intersection of Weston Road; thence southeasterly along Weston Road to the Toronto city limit; thence westerly and southerly along the said city limit to the north limit of the Village of Swansea; thence westerly along the said north limit to the Humber River; together with the Village of Swansea and the Town of Weston and excluding therefrom Ellis Court Apartments.

THE ELECTORAL DISTRICT OF YORK NORTH—to consist of the townships of King, Whitchurch, Georgina, North Gwillimbury, East Gwillimbury, Markham, and Vaughan, the towns of Aurora and Newmarket and the villages of Markham, Richmond Hill, Stouffville, Sutton West and Woodbridge.

THE ELECTORAL DISTRICT OF YORK-SCARBOROUGH—to consist of the Township of Scarborough.

THE ELECTORAL DISTRICT OF YORK SOUTH—to consist of all that portion of the Township of York not included in the Electoral District of York-Humber; and the Village of Forest Hill.

THE ELECTORAL DISTRICT OF YORK WEST—to consist of that portion of the Township of Etobicoke not included in the Electoral District of York-Humber; the Town of New Toronto and the Village of Long Branch.

THE ELECTORAL DISTRICT OF BEACHES—to consist of that part of the City of Toronto bounded as follows: On the north by the north limit of the said city; on the south by the waters of Lake Ontario; on the east by the eastern limit of the said city, and on the west by the centre line of Woodbine Avenue and Woodbine Avenue produced southerly to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF BELLWOODS—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the western boundary of the Island intersects the centre line of Tecumseh Street, produced south; thence northerly along the centre line of Tecumseh Street to Palmerston Avenue; thence along the centre line of Palmerston Avenue to the centre line of Bloor Street; thence easterly along the centre line of Bloor Street to the centre line of Bathurst Street; thence north along the centre line of Bathurst Street to the centre line of the Canadian Pacific Railway tracks; thence easterly along the centre line of the Canadian Pacific Railway tracks to the centre line of Spadina Road; thence north along the centre line of Spadina Road and Spadina Road produced to the city limits; thence westerly along the city limits and southerly along the city limits and westerly along the city limits to intersection with the centre line of Christie Street, produced northerly; thence southerly and along the centre line of Christie Street to the centre line of Bloor Street; thence westerly along the centre line of Bloor Street to the centre line of Crawford Street; thence southerly along the centre line of Crawford Street to the centre line of King Street; thence easterly along the centre line of King Street to the centre line of Strachan Avenue; thence southerly along the centre line of Strachan Avenue and Strachan Avenue produced, to the waters of Lake Ontario; thence easterly along the waters of Lake Ontario to the place of beginning.

THE ELECTORAL DISTRICT OF BRACONDALE—to consist of that part of the City of Toronto bounded as follows: On the north by the city limits; on the south by the waters of Lake Ontario and on the east by an imaginary line drawn from the waters of Lake Ontario to the intersection of Strachan Avenue; thence along the centre line of Strachan Avenue to King Street;

thence



thence west along the centre line of King Street to Crawford Street; thence along the centre line of Crawford Street to Bloor Street; thence easterly along the centre line of Bloor Street to the intersection of Christie Street; thence north along the centre line of Christie Street to the north city limits. It is bounded on the west by an imaginary line from Lake Ontario to Atlantic Avenue; thence north along the centre line of Atlantic Avenue to King Street; thence north from King Street to Dovercourt Road; thence north along the centre line of Dovercourt Road to Davenport Road; thence east on the centre line of Davenport Road to Oakwood Avenue; thence north on the centre line of Oakwood Avenue to the city limits.

THE ELECTORAL DISTRICT OF DOVERCOURT—to consist of that part of the City of Toronto bounded as follows: On the north by the city limits; on the south by the waters of Lake Ontario and on the east by an imaginary line running from the waters of Lake Ontario to the intersection of Atlantic Avenue; thence along the centre line of Atlantic Avenue to Dovercourt Road; thence along the centre line of Dovercourt Road to Davenport Road; thence easterly on the centre line of Davenport Road to Oakwood Avenue; thence along the centre line of Oakwood Avenue to the northern city limits. It is bounded on the west by an imaginary line drawn from the waters of Lake Ontario to the intersection of Spencer Avenue; thence along the centre line of Spencer Avenue to King Street; thence easterly along the centre line of King Street to Elm Grove Avenue; thence north along the centre line of Elm Grove Avenue to Queen Street; thence west along the centre line of Queen Street to Brock Avenue; thence north along the centre line of Brock Avenue to Wallace Avenue; thence west along the centre line of Wallace Avenue to Lansdowne Avenue; thence north along the centre line of Lansdowne Avenue to St. Clair Avenue; thence west along the centre line of St. Clair Avenue to the western limits of Prospect Cemetery; thence north to the city limits, not including McRoberts Avenue.

THE ELECTORAL DISTRICT OF EGLINTON—to consist of that part of the City of Toronto now known as Ward 9.

THE ELECTORAL DISTRICT OF HIGH PARK—to consist of that part of the City of Toronto now known as Ward 7, together with that part of Ward 6 of the said City described as follows: Commencing at the intersection of the centre line of Lansdowne Avenue with the Canadian Pacific Railway; thence northerly along the centre line of Lansdowne Avenue to St. Clair Avenue; thence westerly along the centre line of St. Clair Avenue to the westerly limit of Prospect Cemetery; thence northerly along the last-mentioned limit to the northerly limit of the said City; thence westerly along the last-mentioned limit to its intersection with the centre line of the Canadian Northern Railway, formerly the Northern Division of the Grand Trunk Railway System; thence southerly along the centre line of the said Railway to its intersection with the centre line of the Canadian Pacific Railway; thence easterly along the last-mentioned railway to the place of beginning.

THE ELECTORAL DISTRICT OF PARKDALE—to consist of that part of the City of Toronto bounded as follows: On the south by the waters of Lake Ontario; on the north by the centre line of Bloor Street from the intersection of Clendennan Avenue easterly to the boundary between Ward 6 and Ward 7; thence northerly along the centre line of the division between Ward 6 and Ward 7 to Humberside Avenue; thence east along the centre line of Humberside Avenue to the Canadian Pacific Railway; thence north on the Canadian Pacific Railway to the

intersection of the Canadian Pacific Railway line running east and west; thence easterly on the said Canadian Pacific Railway line to the intersection of Lansdowne Avenue. It is bounded on the east by an imaginary line from the waters of Lake Ontario to the intersection of Spencer Avenue; thence northerly along the centre line of Spencer Avenue to King Street; thence east along the centre line of King Street to Elm Grove Avenue; thence north along the centre line of Elm Grove Avenue to Queen Street; thence west on the centre line of Queen Street to Brock Avenue; thence north along the centre line of Brock Avenue to Wallace Avenue; thence west along the centre line of Wallace Avenue to Lansdowne Avenue; thence north along the centre line of Lansdowne Avenue to the Canadian Pacific Railway track. It is bounded on the west by the city limits from Lake Ontario to the intersection of Clendennan Avenue and Bloor Street.

THE ELECTORAL DISTRICT OF RIVERDALE—to consist of that part of the City of Toronto bounded as follows: On the east by a line drawn from the waters of Lake Ontario extending north along the centre line of Berkshire Avenue, produced southerly to a point at intersection with the southern boundary of Eastern Avenue; thence along the centre line of Berkshire Avenue to the centre line of Queen Street; thence easterly along the centre line of Queen Street to intersection with the centre line of Jones Avenue; thence north along the centre line of Jones Avenue to the centre line of Danforth Avenue; thence easterly along the centre line of Danforth Avenue to the centre line of Dewhurst Avenue; thence north along the centre line of Dewhurst Avenue to the city limits; bounded on the north by the limits of the said city; bounded on the west by the Don roadway and the said roadway produced southerly to intersection with the waters of Lake Ontario to a point intersecting the Don River; thence following the centre line of the Don River to the northern city limits; and bounded on the south by the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF ST. ANDREW—to consist of that part of the City of Toronto bounded as follows: Commencing at a point on the northern boundary of the waters of Toronto Bay where the centre line of Peter Street produced southerly intersects said waters; thence westerly along the northern boundaries of the waters of said Toronto Bay to intersection with the northern boundary of the western channel; thence westerly along the said northern boundary to intersection with the western boundary of the Island; thence north-westerly along said western boundary to intersection with the centre line of Tecumseh Street produced southerly; thence north from the centre line of Tecumseh Street to Palmerston Avenue; thence along the centre line of Palmerston Avenue to the centre line of Bloor Street; thence east on the centre line of Bloor Street to the centre line of Bathurst Street; thence north on the centre line of Bathurst Street to the centre line of the Canadian Pacific Railway tracks; thence east on the centre line of the Canadian Pacific Railway tracks to the centre line of Spadina Road; thence southerly along the centre line of Spadina Road to the centre line of Bloor Street; thence easterly along the centre line of Bloor Street to the centre line of Huron Street; thence southerly along the centre line of Huron Street to the centre line of Phoebe Street; thence easterly along the centre line of Phoebe Street to the centre line of Soho Street; thence southerly along the centre line of Soho Street to the centre line of Queen Street; thence westerly along the centre line of Queen Street to the centre line of Peter Street; thence southerly along the centre line of Peter Street and Peter Street produced southerly to the place of beginning.

THE ELECTORAL DISTRICT OF ST. DAVID—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the Don roadway produced southerly intersects the waters of Lake Ontario; thence northerly along said Don roadway and Don roadway produced to intersection with the Don River; thence along the centre of the Don River to the northern city limits; thence westerly along the said northern city limits to intersection with the centre line of the belt line railway; thence northerly and northwesterly and westerly following the centre line of said belt line railway to intersection with the centre line of Yonge Street; thence southerly along the centre line of Yonge Street to the ravine crossing Yonge Street, nearly opposite Walmsley Boulevard; thence southeasterly following the centre of said ravine to intersection with the centre line of the Canadian Pacific Railway; thence easterly along the said centre line of the Canadian Pacific Railway to intersection with the centre line of MacLennan Avenue; thence southerly along the centre line of MacLennan Avenue to the centre line of Schofield Avenue; thence southerly along the centre line of Schofield Avenue to the centre line of Highland Avenue; thence southeasterly along the centre line of Highland Avenue to the centre line of Glen Road; thence southerly along the centre line of Glen Road to the centre line of South Drive; thence westerly along the centre line of South Drive to intersection with the centre line of Sherbourne Street; thence southerly along the centre line of Sherbourne Street and Sherbourne Street produced to the northern boundary of Toronto Bay; thence southeasterly in a straight line to the centre of the northerly end of the eastern channel; thence continuing southeasterly along the centre line of the eastern channel to the waters of Lake Ontario; thence easterly along the edge of the waters of Lake Ontario to the place of beginning.

THE ELECTORAL DISTRICT OF ST. GEORGE—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the northern boundary of the waters of Toronto Bay are intersected by the centre line of Sherbourne Street produced southerly; thence northerly along the said Sherbourne Street and Sherbourne Street produced southerly to intersection with the centre line of South Drive; thence easterly along the centre line of South Drive to intersection with the centre line of Glen Road; thence northerly along the centre line of Glen Road to intersection with the centre line of Highland Avenue; thence northwesterly along the centre line of Highland Avenue to the centre line of Schofield Avenue; thence northerly along the centre line of Schofield Avenue to intersection with the centre line of MacLennan Avenue; thence northerly along the centre line of MacLennan Avenue to the centre line of the Canadian Pacific Railway; thence westerly along the centre line of the Canadian Pacific Railway to intersection with the Ravine; thence northwesterly along the centre line of the Ravine to intersection with the centre line of Yonge Street; thence northerly along the centre line of Yonge Street to the centre line of the belt line railway; thence northwesterly along the centre line of the belt line railway to the city limits; thence southerly, easterly, southerly and westerly along the city limits to intersection with the centre line of Avenue Road produced northerly; thence southerly along the centre line of Avenue Road and Avenue Road produced northerly to the centre line of Davenport Road; thence easterly and southeasterly along the centre line of Davenport Road to intersection with the centre line of Bay Street; thence southerly along the centre line of Bay Street and Bay Street produced to the northern boundary of the waters of Toronto Bay; thence easterly along the northern boundary of the waters of Toronto Bay to the place of beginning.

THE ELECTORAL DISTRICT OF ST. PATRICK—to consist of that part of the City of Toronto bounded as follows: Commencing at a point where the waters of Lake Ontario are intersected by the centre line of the eastern channel; thence northwesterly along the centre line of the eastern channel to the centre at the north boundary of said channel; thence northwesterly in a straight line to a point on the northern boundary of the waters of Toronto Bay intersected by the centre line of Sherbourne Street produced southerly; thence westerly along the northern boundary of the waters of Toronto Bay to intersection with the production southerly of the centre line of Bay Street; thence northerly along the production southerly of the centre line of Bay Street and the centre line of Bay Street to intersection with the centre line of Davenport Road; thence northwesterly along the centre line of Davenport Road to centre line of Avenue Road; thence northerly along the centre line of Avenue Road and Avenue Road produced to the city limit; thence westerly along the northern boundary of the city limit to intersection with the centre line of Spadina Road, produced northerly; thence southerly along the centre line of Spadina Road to the centre line of Bloor Street; thence easterly along the centre line of Bloor Street to the centre line of Huron Street; thence southerly along the centre line of Huron Street to the centre line of Phoebe Street; thence easterly along the centre line of Phoebe Street to the centre line of Soho Street; thence southerly along the centre line of Soho Street to the centre line of Queen Street; thence westerly along the centre line of Queen Street to the centre line of Peter Street; thence southerly along the centre line of Peter Street and Peter Street produced southerly to the northern boundary of the waters of Toronto Bay; thence westerly following the northern boundary of the waters of Toronto Bay and along the northern boundary of the western channel to intersection with the western boundary of Toronto Island; thence southerly across the western channel and along the western boundary of the said Island and along the waters of Lake Ontario and easterly along the southern boundary of the said Island and along the waters of Lake Ontario to the place of beginning.

THE ELECTORAL DISTRICT OF WOODBINE—to consist of that part of the City of Toronto bounded as follows: On the east by the centre line of Woodbine Avenue, said centre line produced southerly to the waters of Lake Ontario; on the south by the waters of Lake Ontario; on the west by a line drawn from the waters of Lake Ontario, extending north along the centre line of Berkshire Avenue produced southerly to a point at intersection with the southern boundary of Eastern Avenue; thence along the centre line of Berkshire Avenue to the centre line of Queen Street; thence easterly along the centre line of Queen Street to intersection with the centre line of Jones Avenue; thence along the centre line of Jones Avenue to intersection with the centre line of Danforth Avenue; thence easterly to intersection with the centre line of Dewhurst Avenue; thence north along the said centre line of Dewhurst Avenue to the city limits and bounded on the north by the city limits.





## CHAPTER 85

## An Act respecting the Royal Conservatory of Music of Toronto

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** All property, real and personal, and the undertaking, assets, rights, powers, privileges and immunities vested in, owned, held, possessed or enjoyed by the Royal Conservatory of Music of Toronto, herein referred to as the "Conservatory", are hereby vested in The Governors of the University of Toronto, herein referred to as the "University".

**2.** Without limiting the generality of the foregoing provisions, all gifts, devises, deeds, conveyances, transfers and leases of real property or of any interest therein and all gifts, bequests, assignments and transfers of personal property or of any interest therein heretofore or hereafter made or intended for the Conservatory are hereby vested in the University as fully and effectually as if the gift, devise, deed, conveyance, transfer, lease, bequest or assignment had been made to the University.

**3.** So far as the University may in its sole discretion deem it practicable or advisable and in all cases having regard to the expressed intention of the donor in so far as practicable by reason of changed circumstances or conditions, the University shall hold any property, real or personal,

- (a) heretofore vested in the Conservatory for any special purposes or trusts of or in any way connected with the Conservatory; and
- (b) hereafter given, devised, bequeathed, assigned or transferred to or intended for the Conservatory,

for the purposes and trusts and with, under and subject to the same powers and provisions as are declared under any statute, will, deed or other instrument affecting such property.

Use of names  
vested in  
University

4. Without limiting the generality of the foregoing provisions, the name "Royal Conservatory of Music of Toronto" and the name "The Toronto Conservatory of Music" and the sole right to the use thereof are hereby vested in the University.

Undertaking  
carried on by  
University

5. The undertaking heretofore carried on by the Conservatory shall be carried on and managed by the University in such manner as it may from time to time determine.

Conservatory  
dissolved

6. The Conservatory shall for all purposes whatsoever be dissolved and its letters patent of incorporation and supplementary letters patent surrendered on the day this Act comes into force, provided that any valid right or claim existing against the Conservatory shall not be prejudiced thereby, but all such rights and claims shall remain and may be enforced against the University.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Royal Conservatory of Music of Toronto Act, 1954*.

## CHAPTER 86

## The Schools Administration Act, 1954

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## INTERPRETATION

## 1. In this Act,

Interpreta-  
tion

- (a) "board", except in Part VI, means public school board, separate school board, continuation school board, high school board or board of education;
- (b) "Department" means Department of Education;
- (c) "elementary school" means public or separate school;
- (d) "high school" includes collegiate institute;
- (e) "Minister" means Minister of Education;
- (f) "municipality" means city, town, village or township, but does not include county; *New.*
- (g) "occasional teacher" means a teacher employed to teach on a daily basis as a substitute for a permanent, probationary or temporary teacher;
- (h) "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher; 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part.*
- (i) "prescribed" means prescribed by the regulations; *New.*
- (j) "probationary teacher" means a teacher employed for a probationary period,

(i) of not more than two years for a teacher with less than three years experience before the commencement of the contract, or

(ii) of not more than one year for a teacher with three or more years experience before the commencement of the contract,

leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher; 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.

1954, c. 20

(*k*) "regulations" means regulations made under *The Department of Education Act, 1954*;

(*l*) "secondary school" means continuation, high or vocational school;

(*m*) "secondary school district" means continuation or high school district;

(*n*) "secretary" and "treasurer" include a secretary-treasurer; *New*.

(*o*) "temporary teacher" means a teacher employed to teach on a monthly basis for a period not exceeding one year. 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.

(*p*) "urban municipality" means city, town or village. *New*.

## PART I

### SCHOOL TERMS AND COMPULSORY ATTENDANCE

Interpretation

**2.** In this Part, "guardian", in addition to having the meaning ascribed in law, includes any person who has received into his home another person's child who is of compulsory school age and is resident with him or in his care or legal custody. R.S.O. 1950, c. 6, s. 1, cl. (*b*); c. 347, s. 1, cl. (*a*); *amended*.

School year

**3.—(1)** The school year for elementary and secondary schools consists of two terms.

First term

(2) The first term begins on the day next following Labour Day and ends on the 22nd day of December, but when the 22nd day of December is a Monday, the first term ends on the 19th day of December.

(3) The second term begins on the 3rd day of January and <sup>Second term</sup> ends on the 29th day of June, but when the 3rd day of January is a Friday, the second term begins on the 6th day of January, and when the 29th day of June is a Monday, the second term ends on the 26th day of June. R.S.O. 1950, c. 165, s. 61 (1, 2); c. 316, s. 6 (1, 2); c. 356, s. 85 (1, 2); *amended*.

4. The following are school holidays:

School  
holidays

1. Every Saturday and Sunday.
2. Good Friday.
3. The week next following Good Friday.
4. Victoria Day.
5. The birthday or the day fixed by proclamation of the Governor-General for the celebration of the birthday of the reigning Sovereign.
6. Dominion Day.
7. Labour Day.
8. Any day appointed by proclamation of the Governor-General or the Lieutenant-Governor as a public holiday or for a general fast or thanksgiving.
9. Remembrance Day.
10. Every day proclaimed a holiday by the authorities of the municipality in which the school is situated.
11. Every day upon which the school is closed under *The Public Health Act* or under *The Department of Education Act, 1954*, or the regulations. <sup>Rev. Stat., c. 306, 1954, o. 20</sup> R.S.O. 1950, c. 165, s. 61 (3); 1953, c. 44, s. 2; R.S.O. 1950, c. 316, s. 6 (3); 1953, c. 90, s. 2; R.S.O. 1950, c. 356, s. 85 (3); 1953, c. 98, s. 1; *amended*.

5.—(1) With the approval of the inspector, a rural elemen- <sup>Rural areas</sup> tary school board may substitute holidays in some other part of the year for part of the time allowed for Easter and summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year. R.S.O. 1950, c. 316, s. 6 (4); c. 356, s. 85 (4).

(2) In a territorial district, the inspector, subject to an <sup>School terms in districts</sup> appeal to the Minister, may determine the length of time, which shall not be less than six months, during which an elementary school shall be kept open in each year, and the board of the school concerned shall keep the school open during the whole of the time so determined. R.S.O. 1950, c. 316, s. 6 (5), *amended*.



Compulsory  
attendance

**6.—(1)** Unless excused under this section,

- (a) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in that year until the last school day in June in the year in which he attains the age of sixteen years; and
- (b) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which he attains the age of sixteen years.

When  
attendance  
excused

**(2)** A child is excused from attendance at school,

- (a) if, in the opinion of the Minister, he is receiving satisfactory instruction at home or elsewhere;
- (b) if he is unable to attend school by reason of sickness or other unavoidable cause;
- (c) if, in the case of a child who has attained the age of fourteen years, his parent or guardian resides on and operates a farm and the child's services are required in the farm household or on the farm;
- (d) if he is employed under the authority of a home permit or an employment certificate;
- (e) if transportation is not provided by a board for the child and there is no school which he has a right to attend situated,
  - (i) within one mile from his residence measured by the nearest highway if he has not attained the age of seven years on or before the first school day in September in the year in question, or
  - (ii) within two miles from his residence measured by the nearest highway if he has attained the age of seven years but not the age of ten years on or before the first school day in September in the year in question, or
  - (iii) within three miles from his residence measured by the nearest highway if he has attained the age of ten years on or before the first school day in September in the year in question;

(f)

- (f) if he has obtained a secondary school graduation diploma or has completed a course which gives him equivalent standing;
- (g) if he is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;
- (h) if he is excluded from attendance at school under any Act or under the regulations;
- (i) if he is absent on a day regarded as a holy day by the church or religious denomination to which he belongs;
- (j) if he is absent temporarily as authorized under the regulations. R.S.O. 1950, c. 347, ss. 2, 4 (1), 19 (2), *amended*; c. 6, ss. 2, 18; *amended*.

(3) The fact that a child is blind or deaf is not an un- <sup>Blind or deaf</sup> avoidable cause under clause *b* of subsection 2 if the child is <sup>children</sup> eligible for admission to The Ontario School for the Blind or The Ontario School for the Deaf. R.S.O. 1950, c. 347, s. 4 (2), *amended*.

(4) Where a child under compulsory school age has been enrolled as a pupil in an elementary school, this section applies during the school term for which the child is enrolled as if he were of compulsory school age. R.S.O. 1950, c. 347, s. 4 (4), *amended*.

(5) The parent or guardian of a child who is required to attend school under this section shall cause the child to attend school as required by this section. <sup>Duty of parent, etc.</sup> R.S.O. 1950, c. 347, s. 3, *amended*.

(6) Nothing in this section requires the child of a Roman Catholic separate school supporter to attend a public school or requires the child of a public school supporter to attend a Roman Catholic separate school. <sup>Separate school supporters</sup> R.S.O. 1950, c. 347, s. 19 (1).

7.—(1) The Lieutenant-Governor in Council may appoint an officer, to be known as the provincial school attendance officer, who shall, under the direction of the Minister and subject to the regulations, superintend and direct the enforcement of compulsory school attendance. <sup>Provincial school attendance officer</sup> R.S.O. 1950, c. 347, s. 6, *amended*.

(2) Where a child or his parent or guardian considers that the child is excused from attendance at school under clause *a* of subsection 2 of section 6, the Minister may inquire as to <sup>Inquiry, by Minister</sup>

the instruction being given to the child and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is receiving satisfactory instruction and, if he deems that the child is not receiving satisfactory instruction, he may by his order direct that the child shall attend school.

by provincial  
officer

(3) Where a child or his parent or guardian considers that the child is excused from attendance at school under any one of clauses *b* to *j* of subsection 2 of section 6, the provincial school attendance officer may inquire as to the reason or excuse for non-attendance, and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is excused under the clause and, if he deems that there is no valid reason why the child should not attend school, he may by his order direct that the child shall attend school. R.S.O. 1950, c. 347, s. 4 (3), *amended*.

Powers of  
provincial  
officer

(4) The provincial school attendance officer shall have all the powers of a school attendance officer and may exercise such powers anywhere in Ontario. *New*.

Appointment  
of school  
attendance  
officers

8.—(1) Every elementary school board in an urban municipality and every board of education and high school board shall appoint one or more school attendance officers.

Idem

(2) The council of every township shall appoint one or more school attendance officers, except where all the children in the township are subject to the jurisdiction of one or more school attendance officers appointed by one or more school boards.

Idem

(3) If an elementary school board in a township employs five or more teachers, the board may appoint one or more school attendance officers.

Idem

(4) Every elementary and secondary school board in unorganized territory shall appoint one or more school attendance officers.

Idem

(5) Two or more boards or councils may appoint the same attendance officer or officers.

Vacancies

(6) Where the office of a school attendance officer becomes vacant, it shall be filled by the appointing body forthwith.

Notice of  
appoint-  
ment

(7) Notice of the appointment of a school attendance officer by a school board shall be given in writing by the board to the provincial school attendance officer and to the

elementary

elementary school inspector or inspectors concerned and, if the board has jurisdiction in a township, to the council of the township.

(8) Notice of the appointment of a school attendance officer by the council of a township shall be given in writing by the council to the provincial school attendance officer, to each elementary school board in the township, and to the elementary school inspectors concerned. R.S.O. 1950, c. 347, s. 8 (1, 2, 4-6, 10), *amended*.

9.—(1) A school attendance officer appointed by the council of a township has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the township, except children who are subject to the jurisdiction of a school attendance officer appointed by a school board.

(2) A school attendance officer appointed by a public school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board that appointed him has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a high or separate school board.

(3) A school attendance officer appointed by a separate school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age whose parents or guardians are supporters of a school operated by the board, except children who are subject to the jurisdiction of a school attendance officer appointed by a high school board.

(4) A school attendance officer appointed by a high school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the high school district and are or have been enrolled in a secondary school.

(5) A school attendance officer appointed by a board of education has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a separate school board. R.S.O. 1950, c. 347, s. 8 (7, 8), *amended*.



Powers of  
officers

**10.**—(1) A school attendance officer may,

- (a) enter without warrant any place where children may be employed or congregated;
- (b) at the request of the parent or guardian apprehend and deliver to the school from which he is absent or to his parent or guardian, without warrant, any child found illegally absent from school. R.S.O. 1950, c. 347, s. 8 (3), *amended*.

Reports

(2) A school attendance officer shall report monthly to the body that appointed him, and annually to the provincial school attendance officer, on the prescribed forms.

To act under  
inspector  
and  
provincial  
officer

(3) A school attendance officer shall perform his duties under the direction of the inspector or inspectors concerned, and shall carry out the instructions and directions of the provincial school attendance officer. R.S.O. 1950, c. 347, s. 8 (12, 13), *amended*.

Inquiry  
by officer  
and notice

(4) A school attendance officer shall inquire into every case of failure to attend school within his knowledge or when requested so to do by the inspector or principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who is not attending school as required, and shall also give written notice to the parent or guardian to cause the child to attend school forthwith. R.S.O. 1950, c. 347, s. 10, *amended*.

Census

**11.** A board may make a complete census of all children in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1950, c. 347, s. 9, *amended*.

Reports  
and infor-  
mation

**12.**—(1) The principal of every elementary or secondary school shall,

- (a) report in accordance with the regulations to the proper school attendance officer, and in the case of an elementary school also to the inspector concerned, the names, ages and residences of all pupils of compulsory school age who have not attended school as required;
- (b) furnish the school attendance officer with such other information as the officer requires for the enforcement of compulsory school attendance;
- (c) report to the school attendance officer every case of suspension or expulsion.



(2) Where a child of compulsory school age has not attended school as required and there is no school attendance officer having jurisdiction in respect of the child, the inspector concerned shall notify the parent or guardian of the child of the requirements of section 6. R.S.O. 1950, c. 347, s. 13 (1-3), *amended*.

Where no  
school  
attendance  
officer

**13.**—(1) Where, in the opinion of the school attendance officer, the services of a child under fourteen years of age are required,

Home  
permits  
and employ-  
ment certifi-  
cates, under  
14

- (a) in farm work on a farm operated by his parent or guardian;
- (b) in some occupation in or about the home of his parent or guardian; or
- (c) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the written application of the parent or guardian, a home permit or employment certificate, as the case requires, exempting the child from attendance at school for a period of not more than six weeks in a term and permitting him to engage in such occupation during such period. R.S.O. 1950, c. 347, s. 5 (2), *amended*.

(2) Where, in the opinion of the school attendance officer, the services of a child of compulsory school age who has attained the age of fourteen years are required,

between  
14 and 16

- (a) in some occupation in or about the home of his parent or guardian; or
- (b) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the application of the parent or guardian, a home permit or an employment certificate, as the case requires, exempting the child from attendance at school and permitting him to engage in such occupation. R.S.O. 1950, c. 6, s. 3, *amended*.

(3) A school attendance officer may revoke any home permit or employment certificate issued by him if in his opinion the conditions under which he issued the permit have ceased to exist. R.S.O. 1950, c. 6, s. 16, *amended*.

Revocation

**14.** Where it appears to the Minister that in any unorganized territory school trustees are not providing accom-

Provincial  
officer as  
trustees

modation

Rev. Stat.,  
c. 316

modation for the children entitled to attend school, or have neglected or failed to raise the necessary funds for the establishment and maintenance of a school, or have in other respects failed to comply with *The Public Schools Act* and the regulations, or that the election of trustees has been neglected and no regular board of trustees is in existence, the Minister may by commission under his hand authorize and direct the provincial school attendance officer to do all things and exercise all powers which may be necessary for the establishment and maintenance of a school, the erection of school buildings and providing accommodations, the opening and conducting of a school, the assessing and levying of all sums of money required for school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a school in accordance with *The Public Schools Act* and the regulations, and thereupon the provincial school attendance officer shall have and may exercise and perform, with regard to all matters set forth in the commission, all the authority, powers and duties vested in, and to be performed by, a board of school trustees under *The Public Schools Act* and the regulations. R.S.O. 1950, c. 347, s. 7.

Liability  
of parent  
or guardian

**15.**—(1) A parent or guardian of a child of compulsory school age, who neglects or refuses to cause the child to attend school, is, unless the child is legally excused from attendance, guilty of an offence and on summary conviction is liable to a penalty of not more than \$25.

Bond for  
attendance

(2) The judge or magistrate may, instead of imposing a penalty, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the judge or magistrate, conditioned that the person shall, after the expiration of five days, cause the child to attend school as required. R.S.O. 1950, c. 347, s. 11, *amended*.

Employment  
during  
school hours

(3) A person who employs a child of compulsory school age during school hours is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25 unless the child,

(a) holds a home permit or employment certificate authorizing the employment; or

(b) is excused from attendance at school under clause c of subsection 2 of section 6. R.S.O. 1950, c. 6, ss. 4, 15 (1) *part*; c. 347, s. 5 (1); *amended*.

Offences by  
corporations

(4) If a corporation contravenes subsection 1 or 3, in addition to the corporation, every director and officer of the corporation who authorizes, permits or acquiesces in the

contravention

contravention is guilty of an offence and on summary conviction is liable to the same penalty as the corporation. R.S.O. 1950, c. 347, s. 14, *amended*.

**16.**—(1) Prosecutions under section 15 shall be instituted by the school attendance officer concerned and, where there is a juvenile and family court with jurisdiction, such prosecutions shall be tried in that court. R.S.O. 1950, c. 347, s. 12, *amended*. Proceedings to be taken by attendance officers

(2) In prosecutions under section 15, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the principal. R.S.O. 1950, c. 347, s. 16 (2); c. 6, s. 15 (2); *amended*. Certificate of principal as evidence

(3) Where a person is charged under section 15 in respect of a child who is alleged to be of compulsory school age and the child appears to the judge or magistrate to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved. R.S.O. 1950, c. 347, s. 18, *amended*. Proof of age

## PART II

### TEACHERS

**17.**—(1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher and the teacher's salary shall be payable in ten monthly payments in the manner provided therein. R.S.O. 1950, c. 356, s. 48, *part, amended*; 1952, c. 36, s. 7 (1); 1953, c. 90, s. 13 (1). Memo-randum of contract

(2) The contract may, in the case of a separate school board, include a stipulation to provide the teacher with board and lodging. R.S.O. 1950, c. 356, s. 48, *part*. Board and lodging

(3) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he teaches bears to the whole number of teaching days in the year. R.S.O. 1950, c. 165, s. 59 (2); c. 316, s. 111 (3); c. 356, s. 52. Salary of teacher

Payment for  
absence due  
to illness  
or dental  
condition

(4) A teacher shall be entitled to his salary notwithstanding his absence from duty, on account of sickness certified to by a physician or on account of acute inflammatory condition of the teeth or gums certified to by a licentiate of dental surgery, for a total of twenty school days in any one school year; but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of sickness or such tooth or gum condition. R.S.O. 1950, c. 356, s. 53 (1), *amended*; 1952, c. 36, s. 7 (2); 1953, c. 90, s. 13 (2).

Absence of  
teacher in  
quarantine

(5) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. R.S.O. 1950, c. 165, s. 59 (4); c. 316, s. 111 (6).

Appearing  
as witness  
in court

(6) Every teacher shall be entitled to his salary notwithstanding his absence from duty as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged. R.S.O. 1950, c. 165, s. 59 (5); c. 316, s. 111 (5); c. 356, s. 53 (2).

Disputes  
between  
teachers and  
trustees

(7) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to appeal as provided in section 18. R.S.O. 1950, c. 165, s. 59 (7); c. 316, s. 111 (7); c. 356, s. 55 (1).

Award of  
salary by  
way of  
penalty

(8) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months salary. R.S.O. 1950, c. 165, s. 59 (8); c. 316, s. 111 (8); c. 356, ss. 54, 55 (2), *amended*.

Failure of  
board to pay  
salary when  
no written  
agreement

(9) For the purposes of subsection 8, the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written memorandum has been made and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of a memorandum in writing is without merit. R.S.O. 1950, c. 165, s. 59 (9); c. 316, s. 111 (9).

Appeals  
from division  
court judg-  
ment

**18.—**(1) In an action between a teacher and a board under section 17, the judge of the division court in which the action



is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to the Court of Appeal, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal may be entitled "The Minister of Education of Ontario, Appellant, in the matter between (*naming the parties*)". Appeal by Minister

(3) The judge shall thereupon transmit to the office of the Registrar of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto, and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections. Transmission of papers to Supreme Court

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined. Stay of proceedings

(5) The Court of Appeal shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith. Direction to the court below

(6) The Court of Appeal may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office. Costs

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the division court. R.S.O. 1950, c. 316, s. 127. Right of appeal

**19.**—(1) Subject to *The Department of Education Act, 1954*, no person shall be employed or act as a teacher in an elementary or secondary school unless he is qualified as prescribed by the regulations. R.S.O. 1950, c. 165, s. 58 (1); c. 316, s. 111 (2); *amended*. Teachers to be qualified 1954, c. 20

(2) Subject to the provisions of *An Act respecting the Qualifications of Certain Teachers*, being chapter 52 of the Statutes of Ontario, 1907, and amendments thereto, separate school teachers shall be subject to the same examinations and receive their certificates of qualification in the same manner as public school teachers. R.S.O. 1950, c. 356, s. 51. Separate school teachers



Certificates  
1954, c. 20

(3) Subject to *The Department of Education Act, 1954*, a certificate of qualification as a teacher may be awarded only to a British subject of good moral character and physically fit to perform the duties of a teacher, who passes the examinations prescribed by, and otherwise complies with, the regulations.

Idem

(4) All certificates shall be valid for such periods as the regulations prescribe. R.S.O. 1950, c. 316, s. 112 (1, 2), *amended*.

Use of  
unapproved  
text-books

**20.**—(1) A teacher shall not use or permit to be used as a text-book in a prescribed subject in an elementary or secondary school any book that is not approved by the Minister or the regulations, and the Minister, upon the report of the inspector concerned, may withhold the whole or any part of the legislative grants in respect of any school in which an unapproved book is so used.

Idem

(2) Where a teacher uses as a text-book, or negligently or wilfully permits to be used as a text-book by the pupils of his school, in a prescribed subject, a book that is not approved by the Minister or the regulations, the Minister, on the report of the inspector of the school, may suspend the teacher and the board which operates the school may deduct from the teacher's salary a sum equal to so much of the legislative grants as has been withheld on account of the use of the book or any less sum at its discretion.

Change of  
text-book

(3) Subject to the written approval of the board which operates the school, a teacher may replace any approved text-book which is in actual use in an elementary or secondary school by any other approved text-book on the same subject. R.S.O. 1950, c. 165, ss. 62, 68; c. 316, ss. 110, 133; c. 356, ss. 50, 86; *amended*.

Refusal to  
give up  
school  
property

**21.** A teacher who refuses, on demand or order of the board which operates the school concerned, to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession shall not be a qualified teacher until restitution is made and he shall also forfeit any claim which he may have against the board. R.S.O. 1950, c. 316, s. 109; c. 356, s. 49, cl. (f); *amended*.

## PART III

### SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

Interpreta-  
tion

**22.** In this Part,

(a) "contract" means a contract of employment between a teacher and a board in accordance with Part II and the regulations;

(b)

- (b) "employed" means engaged as a permanent teacher by a board;
- (c) "judge" means judge of a county or district court;
- (d) "teacher" means a person qualified to teach in an elementary or secondary school, and employed as a permanent teacher by a board, in accordance with Part II and the regulations. 1953, c. 96, s. 1, *amended*.

**23.**—(1) The dismissal of a teacher, or the termination of the contract of a teacher, by a board shall be by notice in writing, which shall state the reasons therefor, in accordance with the terms of the contract. 1953, c. 96, s. 2 (1), *amended*. Termination of employment, by school board

(2) Where a teacher is employed by a board, the termination of such employment by the teacher shall be by notice in writing in accordance with the terms of the contract. by teacher

(3) Notwithstanding anything in this or any other Act, where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher in a manner not mutually agreeable, the teacher or board may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement. Application for board

(4) The applicant shall send a copy of the application by registered letter to the other party to the disagreement on the same day as the application is sent to the Minister. 1953, c. 96, s. 2 (2-4). Service of notice

**24.**—(1) A board shall not make a permanent appointment to take the place of a teacher who is dismissed or whose appointment has been terminated in a manner not agreeable to the teacher until, Appointment in place of teacher dismissed

- (a) the time prescribed for applying for a Board of Reference has elapsed and the teacher has not applied for a Board of Reference and sent a copy of the application to the board, as provided in section 23;
- (b) the board has received from the teacher notice in writing that no application will be made under section 23;
- (c) the board has received from the Minister notice in writing that an application made by the teacher under section 23 has been withdrawn;

(d)

- (d) the board has received from the Minister notice in writing that he has refused an application made by the teacher under section 23;
- (e) the board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 3 of section 25; or
- (f) the board has received from the Minister a direction under section 28 directing the discontinuance of the contract,

whichever first occurs.

Contract  
after ter-  
mination of  
engagement  
of teacher

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board after the teacher has received notice of the application of the school board for a Board of Reference until,

- (a) the teacher has received from the Minister notice in writing that an application made by the board under section 23 has been withdrawn;
- (b) the teacher has received from the Minister notice in writing that he has refused an application made by the board under section 23;
- (c) the teacher has received from the Minister notice in writing that the board, being the applicant, has failed to comply with the requirements of subsection 3 of section 25; or
- (d) the teacher has received from the Minister a direction under section 28 directing the discontinuance of the contract,

whichever first occurs. 1953, c. 96, s. 3.

Application  
for Board  
of Reference

**25.—**(1) Upon receipt of an application for a Board of Reference, the Minister shall send notice of the application by registered letter to the other party to the disagreement and shall within thirty days thereof inquire into the disagreement and shall, within the same time,

- (a) refuse to grant the Board of Reference; or
- (b) grant the Board of Reference and direct a judge to act as chairman thereof.

(2) Before directing a judge to act as chairman of a Board of Reference, the Minister may require the applicant to furnish security for costs in such amount and in such form as he may deem advisable.

(3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered letter to the board and teacher involved in the disagreement and the notice shall require each of them to name a representative to the Board of Reference and to notify the Minister of such nomination by registered letter within ten days of the sending of the notice by the Minister.

(4) If the applicant fails to comply with the requirements of subsection 3, the application shall be deemed to be abandoned and the Minister shall cause notice thereof to be sent by registered letter to the other party to the disagreement.

(5) If the respondent fails to comply with the requirements of subsection 3, the Minister shall direct the continuance of the contract.

(6) If the representative of the board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board of Reference shall name a representative for the board or teacher, as the case may be. 1953, c. 96, s. 4.

**26.** The chairman of the Board of Reference shall, within thirty days of his appointment, and upon reasonable notice thereof to the parties, convene the Board of Reference in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. 1953, c. 96, s. 5.

**27.—**(1) The Board of Reference shall inquire into the matter in dispute and for such purpose the chairman shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Duty to inquire and powers of judge  
Rev. Stat., c. 308

(2) The meetings of the Board of Reference shall be held *in camera*. 1953, c. 96, s. 6.

Meetings *in camera*

**28.—**(1) Upon the completion of the hearing, the Board of Reference shall report to the Minister within seven days and direct the continuance of the contract or the discontinuance thereof, and may also make such recommendations as it deems advisable.

Board of Reference to report

(2) The Minister shall cause a copy of the direction of the Board of Reference and of its report, including recommendations, if any, to be sent by registered letter to the board and

Notice of direction

the teacher within seven days of the receipt of the report, and shall direct the implementation of the direction of the Board of Reference. 1953, c. 96, s. 7.

Direction  
of Board

**29.**—(1) The direction of the Board of Reference under section 28 shall be binding upon the board and the teacher.

Failure to  
comply with  
direction  
of Board

(2) If a board fails to comply with the direction of the Board of Reference under section 28, any amounts then or thereafter payable to the board under the authority of any Act of the Legislature shall not be paid to the board until it has complied with the direction.

Idem

(3) If a teacher fails to comply with the direction of the Board of Reference under section 28, the Minister shall suspend the certificate of qualification of the teacher for such period as he may deem advisable. 1953, c. 96, s. 8.

Payment  
of costs

**30.** Subject to the regulations made under section 31, the chairman of the Board of Reference shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. 1953, c. 96, s. 9.

Regulations

**31.** The Lieutenant-Governor in Council may make regulations,

- (a) fixing the remuneration of chairmen and members of Boards of Reference and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Board of Reference;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. 1953, c. 96, s. 10.

## PART IV

### BOARDS AND TRUSTEES

Duties of  
boards

**32.** Every board shall,

- (a) ensure that every school under its charge is conducted in accordance with this Act, the Act under which it is operated, and the regulations; R.S.O. 1950, c. 165, s. 28, cl. (b); c. 316, s. 93, *part*; c. 356, s. 46, cl. (n).

(b)



- (b) appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of an elementary school board, may be a member of the board; R.S.O. 1950, c. 165, s. 28, cl. (j), *part*; c. 316, s. 93, cl. (a), *part*; c. 356, s. 46, cl. (a), *part*.
- (c) fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept; R.S.O. 1950, c. 165, s. 28, cl. (a); c. 316, s. 93, cl. (b), *part*.
- (d) transmit to the Minister all reports and returns required by the regulations; R.S.O. 1950, c. 165, s. 29 (1), cl. (q), *amended*; c. 316, s. 93, cl. (b), *part*; c. 356, s. 46, cl. (l), *amended*.
- (e) make provision for insuring adequately the school buildings and equipment; R.S.O. 1950, c. 165, s. 28, cl. (g); c. 316, s. 93, cl. (f), *part*; c. 356, s. 46, cl. (e), *part*.
- (f) take proper security from the treasurer or secretary-treasurer; R.S.O. 1950, c. 165, s. 28, cl. (k).
- (g) keep the school buildings, fences and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board. R.S.O. 1950, c. 165, s. 28, cl. (f); c. 316, s. 93, cl. (f), *part*; c. 356, s. 46, cl. (e), *part*.

### 33. A board may,

Powers of  
boards

- (a) appoint such committees as it may deem expedient; R.S.O. 1950, c. 165, s. 28, cl. (j), *part*; c. 316, s. 93, cl. (a), *part*.
- (b) subject to Part III, appoint and remove such teachers, officers and servants as it may deem expedient, determine the terms on which they are to be employed, and fix their salaries and prescribe their duties; R.S.O. 1950, c. 165, s. 28, cl. (o); c. 316, s. 93, cls. (c), (h) *part*; c. 356, s. 46, cl. (p), *part*.
- (c) dismiss the secretary or treasurer at any time, and thereupon shall make a new appointment to fill the vacancy; R.S.O. 1950, c. 316, s. 93, cl. (z).

(d)

- (d) determine the number, kind, grade, description and territorial boundaries of schools to be established and maintained; R.S.O. 1950, c. 316, s. 93, cl. (h), *part*; c. 356, s. 46, cl. (p), *part*; *amended*.
- (e) operate the playground as a park or playground and rink during the school term or in vacation or both, and provide and maintain such equipment as it deems advisable, and provide such supervision as it deems proper, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 165, s. 28, cl. (d); c. 316, s. 93, cl. (ze).
- (f) organize and carry on gymnasium classes in school buildings for pupils or others during the school term or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 165, s. 28, cl. (e); c. 316, s. 93, cl. (zf).
- (g) purchase milk to be consumed by the pupils in the schools under the jurisdiction of the board during school days in accordance with the terms and conditions prescribed by the regulations; 1952, c. 18, s. 2 (2), *amended*.
- (h) purchase for the use of pupils text-books and other school supplies, and either furnish them to the pupils free of charge or collect for the use thereof from their parents or guardians a sum not exceeding 25 cents per pupil in each month of the school year to assist in defraying the cost thereof; R.S.O. 1950, c. 165, s. 29 (1), cl. (a); c. 316, s. 93, cl. (o); c. 356, s. 46, cl. (r), *part*; *amended*.
- (i) procure registers, maps, globes, apparatus and prize books, and establish and maintain school libraries; R.S.O. 1950, c. 316, s. 93, cl. (g).
- (j) provide books, stationery and other materials necessary in connection with the establishment and maintenance of any system introduced for the encouragement of thrift and the habit of saving; R.S.O. 1950, c. 165, s. 29 (1), cl. (b); c. 316, s. 93, cl. (za); *amended*.
- (k) provide and pay for such medical and dental inspection of the pupils as the regulations may prescribe, or in the absence of regulations as the board may deem proper, but only where provision for such medical and dental inspection was inaugurated by

the board before the 31st day of July, 1924, in the case of an elementary school board and before the 31st day of December, 1941, in the case of a secondary school board; R.S.O. 1950, c. 165, s. 29 (1), cl. (c); c. 316, s. 93, cl. (l).

- (l) pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board, incurred in attending meetings of the Ontario Educational Association or other similar association of teachers or trustees in Ontario and may make grants and pay membership fees to any such association in Ontario; R.S.O. 1950, c. 165, s. 29 (1), cl. (d); c. 316, s. 97; c. 356, s. 46, cl. (o); *amended*.
- (m) pay the costs, or any part thereof, incurred by any member of the board or by any teacher, officer or other employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at a meeting of the board or of a committee thereof, relating to the employment, suspension or dismissal of any person by the board; R.S.O. 1950, c. 165, s. 29 (1), cl. (e); c. 316, s. 98; c. 356, s. 90 (5).
- (n) invest any proceeds from an insurance claim or any moneys received for a special purpose through legacy, gift or otherwise, and for such purposes shall have the powers conferred upon trustees by *The Rev. Stat., Trustee Act*; R.S.O. 1950, c. 165, s. 29 (1), cl. (f); <sup>c. 400</sup> c. 316, s. 94; c. 356, s. 81.
- (o) make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board; R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *part*; c. 316, s. 93, cl. (w), *part*.
- (p) where two or more schools are under the control of the board, appoint such supervisory officers as it deems necessary and, subject to the regulations, prescribe the duties of such officers; R.S.O. 1950, c. 165, s. 31; c. 316, s. 93, cl. (i).
- (q) subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof; R.S.O. 1950, c. 165, s. 28, cl. (h), *amended*.

- (*r*) give the necessary orders on the treasurer for payment of all moneys expended for school purposes and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the Act under which the board is established or the regulations and by the board; R.S.O. 1950, c. 165, s. 28, cl. (*l*); c. 356, s. 46, cl. (*h*); *amended*.
- (*s*) permit the school buildings and premises to be used for any educational or other lawful purposes which it deems proper, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 316, s. 93, cl. (*x*).
- (*t*) expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils, and exclude any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice; R.S.O. 1950, c. 165, s. 28, cl. (*n*); c. 316, s. 93, cl. (*n*); c. 356, s. 46, cl. (*j*); *amended*.
- (*u*) establish and maintain cadet corps and classes in military instruction and provide uniforms for such purposes;
- (*v*) provide for the promotion and encouragement of athletics and for the holding of school games; R.S.O. 1950, c. 165, s. 14; c. 316, s. 96; c. 356, s. 46, cl. (*s*), *amended*.
- (*w*) with the approval of the Minister,
  - (i) appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement, or
  - (ii) enter into an agreement with one or more other boards for the appointment of one or more such officers, each of whom shall apportion his time in accordance with the terms of the agreement. R.S.O. 1950, c. 165, s. 32.

## Pensions

**34.**—(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with

Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 48 of section 386 of *The Municipal Act* and the provisions of the said paragraph 48, except clause *b*, shall apply *mutatis mutandis*. R.S.C. 1952, c. 132  
Rev. Stat., cc. 183, 243

(2) In this section, "employee" does not include a teacher or inspector. Interpretation

(3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister. Approval of Minister R.S.O. 1950, c. 165, s. 39; 1951, c. 32, s. 6; R.S.O. 1950, c. 316, s. 129; 1951, c. 73, s. 4; R.S.O. 1950, c. 356, s. 83; *amended*.

**35.** A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof in the manner and subject to the conditions set out in paragraph 49 of section 386 of *The Municipal Act* and the provisions of the said paragraph 49 shall apply *mutatis mutandis*. Sick leave credits R.S.O. 1950, c. 165, s. 40; c. 316, s. 130; c. 356, s. 84; *amended*.

**36.—(1)** A board may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, to any employee of the board who has been in the service of the board for at least twenty years and who, Retirement allowances

(a) is retired because of age; or

(b) while in the service has become incapable through illness or otherwise of efficiently discharging his duties;

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under *The Teachers' Superannuation Act*, will exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500. Rev. Stat., c. 384

(2) "Pension payments" in subsection 1 means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of employer and employee and does not include any such payments that result solely from contributions of the employee. Interpretation



Limitation  
on applica-  
tion of  
section

(3) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who are in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to an employee who enters the service of the board after the 1st day of July, 1956. R.S.O. 1950, c. 165, s. 60; c. 316, s. 128; *amended*.

Insurance,  
hospitaliza-  
tion, etc.  
Rev. Stat.,  
cc. 183, 285

**37.**—(1) A board may by resolution provide, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

- (a) group life insurance for employees or any class thereof;
- (b) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children; and
- (c) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and may provide for contributing toward the cost thereof.

Contribu-  
tions

(2) No resolution under this section shall authorize contributions by the board in excess of the total of those made by the employees. R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *part*; c. 316, s. 93, cl. (w), *part*; *amended*.

First  
meetings

**38.**—(1) Unless all the members of the new board have been appointed or elected and a date for the first meeting has been decided upon by the old board, the first meeting of a board in each year shall be held at the hour of 7 o'clock in the evening of the second Wednesday in January or at such other hour of the same day and at such place as may have been determined by resolution of the old board. R.S.O. 1950, c. 165, s. 26 (1), *amended*; c. 316, ss. 87 (1), 88 (1) *part*, *amended*.

Presiding  
officer

(2) At the first meeting in each year, the secretary shall preside until the election of the chairman or, if there is no secretary or in his absence, the members present shall elect one of themselves to preside at the election of the chairman, and the member so elected to preside may vote as a member. R.S.O. 1950, c. 165, s. 26 (8), *amended*; c. 316, s. 87 (2); c. 356, s. 45 (1).

Election of  
chairman

(3) At the first meeting in each year and at the first meeting after a vacancy occurs in the office of chairman, the members shall elect one of themselves to be chairman, and the chairman shall preside at all meetings. R.S.O. 1950, c. 165, s. 26 (2).

(4) In case of an equality of votes at the election of chairman, the member who is assessed for the largest sum on the last revised assessment roll or rolls shall have a second or casting vote. R.S.O. 1950, c. 165, s. 26 (9); c. 316, s. 87 (3); c. 356, s. 45 (2).

(5) The members of the board may also elect one of themselves to be vice-chairman and he shall preside in the absence of the chairman. R.S.O. 1950, c. 165, s. 26 (3).

(6) If at any meeting there is no chairman or vice-chairman present, the members present may elect a chairman for that meeting. R.S.O. 1950, c. 165, s. 26 (4); c. 356, s. 45 (5), *part*.

(7) At the first meeting of a newly established board and as often as a vacancy occurs, the board shall also appoint a secretary and a treasurer or a secretary-treasurer, who shall hold office during the pleasure of the board. R.S.O. 1950, c. 165, s. 26 (5); c. 316, s. 88 (1), *part*.

(8) In the absence of the secretary from any meeting, the chairman or other member presiding may appoint any member or other person to act as secretary for that meeting. R.S.O. 1950, c. 165, s. 26 (6).

(9) The presence of a majority of all the members constituting the board shall be necessary to form a quorum, and the vote of a majority of such quorum shall be necessary to bind the board. R.S.O. 1950, c. 165, s. 26 (7), *amended*; c. 316, ss. 87 (4), 88 (3); c. 356, s. 45 (6), *part*.

(10) The presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1950, c. 165, s. 26 (10), *amended*; c. 316, s. 87 (5); c. 356, s. 45 (5), *part*.

(11) Subsequent meetings of the board shall be held at such time and place as the board may deem expedient. R.S.O. 1950, c. 316, s. 88 (2); c. 356, s. 45 (3).

(12) Subject to the provisions of the Act under which the board is established, special meetings of the board may be called by the chairman and in such other manner as the board may determine. *New*.

**39.** Every secretary of a board shall,

Duties of  
secretary

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book

provided

provided for that purpose by the board, and ensure that the minutes, when confirmed, are signed by the chairman or presiding member;

- (b) perform such other duties as may be required of him by the regulations, by any other Act or by the board. R.S.O. 1950, c. 316, s. 102, cl. (a); c. 356, s. 29, cl. (a); *amended*.

Security  
by officers

**40.**—(1) Every treasurer and collector of a board and, if required by the board, any other officer of a board shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board. R.S.O. 1950, c. 165, s. 27 (1), *amended*; c. 316, s. 101 (1); c. 356, s. 31 (1).

Form of  
security

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. R.S.O. 1950, c. 165, s. 27 (2); c. 316, s. 101 (2); c. 356, s. 31 (2).

Rev. Stat.,  
c. 162

Duties of  
treasurer

**41.** Every treasurer of a board shall,

- (a) receive and account for all school moneys;
- (b) open an account or accounts in the name of the board in such of the chartered banks of Canada or in such other place of deposit, as may be approved by the board;
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts;
- (d) disburse all moneys as directed by the board;
- (e) produce, when required by the board or by auditors or other competent authority, all papers and moneys in his possession, power or control belonging to the board. R.S.O. 1950, c. 165, s. 27 (3); c. 316, s. 101(4); c. 356, s. 30; *amended*.

Trustees  
disqualified  
as inspectors  
and teachers

**42.**—(1) A school trustee is not eligible for appointment as an inspector or as a teacher by the board of which he is a member or by any other board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

Teachers  
disqualified  
as trustees

(2) A teacher is not eligible to be a member of the board by which he is employed nor to be a member of any other board having jurisdiction in the whole or any part of the area in which the board by which he is employed has jurisdiction.

(3) An inspector is not eligible for appointment as a teacher by a board or to be a member of a board while he holds the office of inspector. R.S.O. 1950, c. 165, s. 70; c. 316, s. 137; c. 356, s. 88; *amended*. Inspectors disqualified as teachers and trustees

**43.**—(1) A school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be void, and a trustee violating the provisions of this subsection shall *ipso facto* vacate his seat. R.S.O. 1950, c. 165, s. 63, *amended*; c. 316, s. 139 (1); c. 356, s. 90 (1). Seat vacated by interest in contract with board

(2) No person is disqualified from being a member of a board, or from sitting and voting on such board, by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business, if the subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1950, c. 165, s. 65; c. 316, s. 140 (1); c. 356, s. 90 (4). Newspaper proprietors, etc.

(3) A trustee who is a shareholder or an officer, director or other employee of a corporation shall not vote on any question affecting the corporation with respect to any dealings or contract between the corporation and the board. R.S.O. 1950, c. 165, s. 64; c. 316, s. 140 (2). Corporation shareholders and officers

(4) Nothing in this section,

Exceptions

- (a) prevents a trustee from receiving or being allowed such allowances for attendance at meetings and otherwise as are permitted by the Act under which he is elected or appointed;
- (b) prevents a trustee who is an assessor or a collector from receiving or being allowed such remuneration as is provided for under the Act under which he is elected or appointed; or
- (c) prevents a trustee who is a secretary or treasurer of a rural elementary school board from receiving or being allowed such compensation for his services as may be approved at, and entered in the minutes of, the annual meeting or at a special meeting of

the



the electors in the case of a public school board, or of the supporters of the school in the case of a separate school board. R.S.O. 1950, c. 316, s. 139 (3); c. 356, s. 90 (3); *amended*.

Declaring  
seat vacant

(5) On the complaint of two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or on the complaint of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply. R.S.O. 1950, c. 316, s. 139(2); c. 356, s. 90 (2); *amended*.

Seat  
vacated by  
conviction,  
etc

**44.**—(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected or appointed in the case of a public or secondary school board or ceases to reside within the municipality in the case of an urban separate school board or within three miles of the school in the case of a rural separate school board, he shall *ipso facto* vacate his seat and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply.

Proviso

(2) Notwithstanding subsection 1, where a trustee is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal which may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. R.S.O. 1950, c. 165, s. 66; c. 316, s. 138; c. 356, s. 89; *amended*.

Idem

**45.** Where a complaint is made in writing to the inspector concerned by any two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or by the remaining trustee or trustees thereof, that any trustee was not, at the time of his election or appointment, qualified to be elected or appointed, or is not competent to act or is disqualified from acting, the inspector may file the complaint with the judge of the county or district court and on proof that the complaint is based on fact, the judge shall declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply. R.S.O. 1950, c. 316, s. 139 (4), *amended*.



**46.** If a board refuses or neglects to take proper security <sup>Failure to take security</sup> from the treasurer or other person to whom it entrusts school moneys, and any school money is forfeited or lost in consequence of the refusal or neglect, every member of the board shall be personally liable for such moneys which may be recovered by the board, or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board suing on behalf of himself and all other such ratepayers, in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of the security. R.S.O. 1950, c. 165, s. 71; c. 316, s. 143; c. 356, s. 95; *amended*.

## PART V

### AUXILIARY CLASSES

**47.**—(1) Subject to the regulations, a board may establish <sup>Classes which may be established</sup> and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause unable to take proper advantage of the elementary or secondary school courses. R.S.O. 1950, c. 29, s. 2.

(2) Subject to the regulations, a board may establish day <sup>Classes for deaf children</sup> classes in oral speech and lip-reading to accommodate deaf children within its jurisdiction. R.S.O. 1950, c. 29, s. 3, *amended*.

**48.**—(1) For the purposes of section 47, the board may, <sup>Powers of board</sup> subject to the approval of the Minister,

- (a) acquire a site and erect thereon such buildings as may be suitable for the education and training of the pupils;
- (b) establish such courses of instruction and training as may be best adapted to secure the mental and physical development of the pupils;
- (c) appoint such teachers and special instructors in ordinary learning or in any useful and beneficial occupation as the board may think proper. R.S.O. 1950, c. 29, s. 4 (1), *amended*.

(2) With the approval of the Minister, a site may be <sup>Acquiring site, etc., in adjoining municipality</sup> acquired and buildings erected thereon for the purposes of this Part in an adjoining municipality. R.S.O. 1950, c. 29, s. 4 (2), *amended*.

Admission  
only on  
recom-  
mendation

**49.**—(1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation, approved by the Inspector of Auxiliary Classes, of a board consisting of,

- (a) the principal of the school;
- (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the school board; and
- (c) the school inspector.

Chairman  
and  
inspector

(2) The principal of the school shall be the chairman of the board and where there is more than one inspector in the inspectorate the senior inspector, or an inspector nominated by him, shall be the school inspector on the board.

Compulsory  
attendance

(3) Subject to the regulations, a resident pupil,

- (a) who is required to attend school under Part I; and
- (b) in respect of whom a report recommending his admission to an auxiliary class established by the school board has been made and approved under subsection 1,

may be required by the school board to attend such auxiliary class.

Non-  
resident  
pupils

(4) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of such fees for instruction as may be fixed by the board and approved by the Minister. 1952, c. 4, s. 1, *amended*.

Supervision  
of health,  
etc., of  
pupils

**50.** Where a board has established auxiliary classes under this Part, it may provide for the proper supervision of the health and treatment of pupils attending the classes and for proper medical treatment of pupils who appear to the principal or inspector to require the same. R.S.O. 1950, c. 29, s. 8, *amended*.

Visiting  
pupils in  
their homes

**51.** The board may direct such officers as it may appoint to visit pupils' homes and to consult with and advise their parents as to the conditions which will be most conducive to the pupils' development. R.S.O. 1950, c. 29, s. 9, *amended*.

Transporta-  
tion of  
pupils

**52.** Subject to the regulations, the board may provide for the transportation of pupils to and from the classes, and may pay for the same out of the funds provided under section 53. R.S.O. 1950, c. 29, s. 10.

**53.** The moneys required by a board for carrying out the objects of this Part shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of the schools under the control of the board. R.S.O. 1950, c. 29, s. 11 (1), *amended*. Raising money for classes

## PART VI

### SCHOOL SITES

**54.** In this Part,

Interpretation

- (a) "board" means public school board, separate school board, continuation school board, board of education, high school board or advisory committee appointed under Part III of *The Secondary Schools and Boards of Education Act, 1954*; 1954, c. 87
- (b) "judge" means judge or junior or acting judge of the county or district court of the county or district in which lands to be acquired for a school site under this Part are situated;
- (c) "owner" includes a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (d) "school site" means the land necessary for a school-house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and playgrounds connected therewith, or other land required for school purposes or for the offices of a board. R.S.O. 1950, c. 348, s. 1, *amended*.

**55.** A judge who is a member of a board shall not act in any matter under this Part in which the board is interested. R.S.O. 1950, c. 348, s. 2. Judge not to act when member of board

**56.** The powers and duties conferred and imposed upon a board by this Part shall be subject to the regulations. R.S.O. 1950, c. 348, s. 3. Powers and duties to be subject to regulations

**57.—**(1) Subject to the provisions of *The Public Schools Act* and *The Separate Schools Act* as to the selection of a site by a rural school board, every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the land is required for a school site or for the enlargement of a school site. R.S.O. 1950, c. 348, s. 5 (1); 1951, c. 82, s. 2. Board may purchase or expropriate Rev. Stat. cc. 316, 356

Acquiring  
land in  
adjoining  
township

(2) The board of education for a city or town may acquire by purchase or otherwise, or may expropriate, land in a township for the purposes of a school site where the land adjoins a boundary between the city or town and the township.

Land not to  
be exempt  
from  
taxation

(3) Where a board of education expropriates land under subsection 2, the land shall not be exempt from taxation by the township, but the corporation of the township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the land, or in case of disagreement, the amount shall be determined by the judge. R.S.O. 1950, c. 348, s. 5 (2, 3).

Acquiring  
land out-  
side city  
or town for  
future  
school sites

**58.**—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city or town.

Assessment  
and taxa-  
tion

(2) All land acquired under subsection 1, so long as it is held by the board, shall be subject to municipal assessment and taxation in the municipality in which it is situated.

Expropria-  
tion not  
authorized

(3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town.

Power to  
dispose of  
sites so  
acquired

(4) Where a board has acquired land in another municipality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it may deem expedient. R.S.O. 1950, c. 348, s. 6.

Order for  
immediate  
entry on  
land taken

**59.** At any time after a board passes a resolution declaring that any land is required for a school site, or for the enlargement of a school site, and that immediate possession thereof is required by it, the board, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon and take possession of the land, and if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county or district in which the land lies to put the board in possession and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do. R.S.O. 1950, c. 348, s. 7, *amended*.

Who may  
sell and  
convey to  
board

**60.**—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, committee and every

trustee,



trustee, not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, mentally incompetent persons or mentally defective persons, or other person, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlargement of or addition to a school site, and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes.

(2) Where there is no person who under subsection 1 may contract, sell or convey, the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 and in any proceedings which may be taken under this Part and may give proper direction concerning the disposition of the purchase money. R.S.O. 1950, c. 348, s. 8.

Where there is no person who can convey

**61.**—(1) Where the owner and the board are unable to agree on the compensation to be paid to the owner, the amount to be paid shall be fixed and determined by the judge upon oral evidence at such time and place as he may upon notice to all concerned appoint.

Determining amount of compensation where no agreement

(2) The hearing shall be conducted in the same manner as nearly as may be as in the case of a trial before the judge in an action in the county court and a subpoena may issue from the county court to command the attendance of witnesses.

Hearing

(3) The sheriff and the clerk of the county court shall perform the same duties and shall be entitled to the same fees as in the case of a trial in the county court.

Duties of sheriff and clerk

(4) An appeal shall lie from the decision of the judge to the Court of Appeal. R.S.O. 1950, c. 348, s. 9.

Appeal

**62.** The judge shall determine what interest, if any, shall be paid to the owner. R.S.O. 1950, c. 348, s. 10.

Interest payable to owner

**63.**—(1) On the filing with the county judge of the certificate of an Ontario land surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the judge, if satisfied by affidavit or other evidence, that diligent inquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the judge may direct.

Judge may order notice to be published and mailed



Contents of  
notice

(2) The notice shall contain a short description of the land and a statement of the readiness of the board to pay the sum so certified, shall give the name of the judge who is to determine the compensation under this Part and shall state the time within which the offer is to be accepted, and such other particulars as the judge may direct.

Determining  
compensa-  
tion

(3) If within the time stated the owner does not notify the board of his acceptance of the sum offered, the judge may proceed *ex parte* on oral evidence to determine the compensation to be paid. R.S.O. 1950, c. 348, s. 11.

Judge may  
determine  
claims of  
encum-  
brancers,  
etc.

**64.** The judge may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect of the land, provided that in such case the claimant or other person has first received ten clear days notice of the intention to determine his claim or right. R.S.O. 1950, c. 348, s. 12.

Damages  
caused by  
severance

**65.** Where only part of the lot or parcel of land of the owner is required, the judge shall include in the compensation the amount which will, in his opinion, compensate the owner for any damage directly resulting from severance. R.S.O. 1950, c. 348, s. 13.

Right of  
desistment

**66.**—(1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the amount has been determined by the judge by giving written notice to the owner and filing the same with the clerk of the county or district court, but the board shall in that case pay the whole cost of the proceedings and all damages sustained by the owner in consequence of the taking and abandonment and such costs shall be ascertained in a summary way by the judge.

Not to be  
exercised  
more than  
once

(2) The right of desistment shall not be exercised more than once with respect to a parcel of land. R.S.O. 1950, c. 348, s. 14.

Cost of  
arbitration

**67.** The costs of the proceedings shall be in the discretion of the judge, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and he may award any costs to be paid as between solicitor and client. R.S.O. 1950, c. 348, s. 15.

Vesting  
order

**68.** If the amount determined by the judge and any costs awarded have been paid in the manner and to the person directed by the judge, he may make a vesting order vesting the land taken in the board and the order may be registered and shall confer upon the board a good title to the land taken. R.S.O. 1950, c. 348, s. 16.

**69.**—(1) Every sum to be paid as compensation shall be paid within thirty days after the determination of the amount to be paid. Compensation to be paid within thirty days

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the board deems it advisable, the board may pay the sum awarded or any part thereof into the Supreme Court with six months interest thereon. R.S.O. 1950, c. 348, s. 17. Payment into court

**70.** The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land, and any claim to or encumbrance upon the land, or any part thereof, shall, as against the board, be converted into a claim to or upon the compensation or to or upon a like proportion thereof and it shall be responsible accordingly, whenever it has paid the compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person. R.S.O. 1950, c. 348, s. 18. Compensation awarded to stand in the stead of land taken

**71.** In the case of a municipality for which an official arbitrator has been appointed under *The Municipal Arbitrations Act*, the compensation to be paid to the owner shall be determined by the award of the official arbitrator instead of by the judge as hereinbefore provided, and the provisions of that Act shall *mutatis mutandis* apply. R.S.O. 1950, c. 348, s. 19. Compensation to be determined by official arbitrator Rev. Stat., c. 244

## PART VII

### OFFENCES AND PENALTIES

**72.** Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 134; c. 356, s. 87; *amended*. False declaration of right to vote

**73.** Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a school by rude or indecent behaviour or by making a noise either in the place where the meeting is held or in the school or so near thereto as to interfere with the proceedings of the meeting or the order of exercises of the school is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 141; c. 165, s. 67; c. 356, s. 91; *amended*. Disturbances

Refusal  
to serve

**74.**—(1) A trustee who refuses to serve after being elected or appointed with his own consent is guilty of an offence and on summary conviction is liable to a penalty of \$25.

Failure to  
perform  
duties

(2) A trustee who has been elected or appointed and has not refused to accept the office and who at any time refuses or neglects his duties as trustee is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25.

Acting  
while dis-  
qualified

(3) A trustee who sits or votes at any meeting of the board after becoming disqualified is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25 for every meeting at which he so sits or votes. R.S.O. 1950, c. 316, ss. 135, 136; c. 165, s. 69; c. 356, ss. 92, 93; *amended*.

Failure to  
transmit  
minutes

**75.** The chairman of a rural school meeting who neglects to transmit to the inspector concerned a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of the meeting, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 142; c. 356, s. 94; *amended*.

Information  
to auditors

**76.** Every school board and its secretary and treasurer shall furnish the auditors with any papers or information in its or his power which may be required of it or him relating to the school accounts and a member of the board, or a secretary or treasurer, who neglects or refuses so to do is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25, but no member shall be liable if he proves that he made reasonable efforts to procure the furnishing of the papers or information. R.S.O. 1950, c. 316, s. 147; c. 165, s. 74; c. 356, s. 97; *amended*.

False  
reports and  
registers

**77.** Every trustee who knowingly signs a false report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 150; c. 165, s. 75; c. 356, s. 99; *amended*.

Failure to  
call school  
meeting

**78.** If an annual or other rural public school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give notice is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 152, *amended*.

School maps

**79.**—(1) If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by *The Public Schools Act*, or if he neglects for

Rev. Stat.,  
c. 316

one month to make any return required by that Act, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 151, *amended*.

(2) If a county clerk neglects or refuses to prepare the map <sup>Idem</sup> of the county showing the boundaries of the high school districts therein as required by *The Secondary Schools and Boards of Education Act, 1954*, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. *New.* <sup>1954, c. 87</sup>

**80.**—(1) A treasurer, secretary or secretary-treasurer, or <sup>Delivery up of books and money</sup> a person having been a treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such treasurer, secretary, secretary-treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

(2) Upon application to the judge of the county or district <sup>Summons for appearance</sup> court by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him.

(3) A bailiff of a division court, upon being required so <sup>Service of summons</sup> to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a grown-up person at his residence.

(4) At the time and place so appointed, the judge, if <sup>Order to account</sup> satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

(5) In the event of non-compliance with the order, the <sup>Effect of non-compliance with judge's order</sup> judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the jail of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.



Discharge  
on comply-  
ing with  
order

(6) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge  
on terms

(7) Upon proof that the person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he may deem just.

Other  
remedy not  
affected

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1950, c. 316, ss. 144, 145; c. 165, s. 73; c. 356, s. 96.

Compelling  
delivery of  
books,  
money, etc.,  
on dis-  
solution of  
school cor-  
poration

**81.**—(1) Section 80 applies to the case of any person who has in his possession any books, paper, chattel or money which came into his possession as secretary, or treasurer, or member, or otherwise, of a board which has been dissolved, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner provided in or under the Act under which the board is dissolved and failing any such provision as directed by the Minister, and in default of his so doing, proceedings may be taken against him by two ratepayers in the same manner as in the case provided for by section 80, and that section shall *mutatis mutandis* apply.

Application  
of subs. 1

(2) Subsection 1 applies to every person who has received from such secretary, treasurer, trustee or other person any book, paper, chattel or money, which by subsection 1 it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. R.S.O. 1950, c. 316, s. 146, *amended*.

No  
inspector,  
trustee,  
teacher, etc.,  
to act as  
agent for  
the sale of  
books, maps,  
etc.

**82.**—(1) No teacher, trustee, inspector or other person officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution which is under the management or control of the Minister, shall sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing. R.S.O. 1950, c. 94, s. 16 (1), *amended*.



(2) Every person who contravenes subsection 1 is guilty <sup>Penalty</sup> of an offence and on summary conviction is liable, if he is a teacher to a penalty of not more than \$50, if he is a trustee to a penalty of not more than \$100, if he is an inspector to a penalty of not more than \$500 and if he is any other person so officially connected to a penalty of not more than \$100. R.S.O. 1950, c. 94, s. 16 (2), *amended*.

(3) Any person, firm or corporation and any agent of a <sup>Penalty</sup> person, firm or corporation who employs a teacher, trustee, <sup>against</sup> inspector or any other person officially connected with the <sup>business,</sup> Department or with any elementary or secondary school or <sup>firm or</sup> with any teachers' college or other institution which is under <sup>agent</sup> the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 94, s. 16 (3), *amended*.

(4) Any gift or payment made to a teacher, trustee, <sup>Gifts, etc.,</sup> inspector or other person so officially connected by any <sup>to be</sup> person, firm or corporation interested either as principal <sup>prima facie</sup> or agent in any such sale is *prima facie* evidence of a violation of this section.

(5) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent <sup>Consent to</sup> of the Attorney-General or the Deputy Attorney-General. <sup>prosecution</sup>

(6) This section does not apply to sales made by a trustee <sup>Sale in</sup> who is a merchant or bookseller in the ordinary and regular <sup>ordinary</sup> course of his business as such and made at his shop or place <sup>course of</sup> of business. <sup>business</sup> R.S.O. 1950, c. 94, s. 16 (4, 7, 8). <sup>excepted</sup>

## PART VIII

### MISCELLANEOUS

**83.**—(1) Nothing in section 34 affects any pension plan <sup>Saving</sup> heretofore established and approved by the Minister under section 39 of *The High Schools Act*, section 129 of *The Public Schools Act* or section 83 of *The Separate Schools Act*. <sup>Rev. Stat.</sup> <sup>cc. 165, 316,</sup> <sup>356</sup>

(2) Nothing in section 35 affects any sick leave credit plan <sup>Idem</sup> heretofore established and approved by the Minister under

section 40 of *The High Schools Act*, section 130 of *The Public Schools Act* or section 84 of *The Separate Schools Act*.

Idem

(3) Nothing in section 36 affects any retirement allowance heretofore granted under section 60 of *The High Schools Act* or section 128 of *The Public Schools Act*.

Repeal

**84.** The following are repealed:

Rev. Stat.,  
c. 6

1. *The Adolescent School Attendance Act*.

Rev. Stat.,  
c. 29

2. *The Auxiliary Classes Act*.

1952, c. 4

3. *The Auxiliary Classes Amendment Act, 1952*.

Rev. Stat.,  
c. 347

4. *The School Attendance Act*.

Rev. Stat.,  
c. 348

5. *The School Sites Act*.

1951, c. 82

6. *The School Sites Amendment Act, 1951*.

1953, c. 96

7. *The School Trustees' and Teachers' Boards of Reference Act, 1953*.

Commence-  
ment

**85.** This Act comes into force on the day it receives Royal Assent.

Short title

**86.** This Act may be cited as *The Schools Administration Act, 1954*.

## CHAPTER 87

**The Secondary Schools and Boards of  
Education Act, 1954**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## INTERPRETATION

**1.—(1) In this Act,**Interpreta  
tion

- (a) "adjoining" means touching at any point; *New*.
- (b) "continuation school district" means the property liable to assessment and taxation for the purposes of a continuation school; R.S.O. 1950, c. 66, s. 1, cl. (a).
- (c) "county judge" or "judge" means the senior judge of the county or district court of the county or district in which a secondary school district is situated, and where the secondary school district is situated in two or more counties or districts, the senior judge of the county or district court of the county or district having the largest population within the secondary school district; or, if he is a member of the high school board or is unable to act or is disqualified, means the junior judge of the county or district court, or if he is a member of the board or is unable to act or is disqualified, means the senior judge of the county or district court of the adjoining county or district which has the largest population; R.S.O. 1950, c. 165, s. 1 (1), cl. (b), *amended*.
- (d) "Department" means Department of Education; R.S.O. 1950, c. 165, s. 1 (1), cl. (d).
- (e) "equalized assessment" means the total of the assessment of the real property of a municipality, as equal-

ized

Rev. Stat.  
c. 24

ized by the county council under *The Assessment Act*, and the business assessments of that municipality; 1951, c. 32, s. 1 (1).

- (f) "high school" includes collegiate institute; R.S.O. 1950, c. 165, s. 1 (1), cl. (f); c. 38, s. 1, cl. (a).
- (g) "high school district" means the area in which a high school board has jurisdiction; R.S.O. 1950, c. 165, s. 1 (1), cl. (g), *amended*; c. 38, s. 1, cl. (b), *amended*.
- (h) "maintenance" includes repairs to the teacher's residence, the school buildings, administrative buildings, outbuildings, gymnasias, and other buildings or fixtures for the purpose of carrying on school activities, fences and school furniture; altering the system of heating or ventilation; erection of fences; improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension plan for the benefit of officers and other employees of the board; any sums spent for medical and dental inspection and dental treatment; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board; other expenses for ordinary school purposes, and for annual additions to the library, apparatus and other equipment; gratuities and retiring allowances granted to teachers, officers and other employees; the cost of providing transportation for pupils; R.S.O. 1950, c. 66, s. 1, cl. (c), *amended*; c. 165, s. 1 (1), cl. (h); 1952, c. 36, s. 1(1), *amended*.
- (i) "Minister" means Minister of Education; R.S.O. 1950, c. 38, s. 1, cl. (c); c. 66, s. 1, cl. (d); c. 165, s. 1 (1), cl. (i); c. 413, s. 1, cl. (c).
- (j) "municipality" means city, town, village or township, and does not include county; R.S.O. 1950, c. 66, s. 1, cl. (e), *amended*; c. 165, s. 1 (1), cl. (j), *amended*.
- (k) "perfect aggregate attendance" of pupils for a calendar year is the number calculated by multiplying the number representing the number of teaching days in the calendar year by the number representing the number of pupils registered at the school during the calendar year and deducting therefrom the number representing the number of pupils' non-attendance caused by,

- (i) deaths,
  - (ii) late registrations owing to transfer or age of pupils,
  - (iii) termination of registrations owing to transfer or age of pupils,
  - (iv) expulsions, and
  - (v) exclusions; R.S.O. 1950, c. 165, s. 1 (1), cl. (d), *amended*; c. 413, s. 1, cl. (d), *amended*.
- (l) "permanent improvements" includes the purchase or rental of a teacher's residence or of a school site, the erection or rental of school buildings and administration buildings, the enlargement of any of them, the erection of outbuildings and gymnasias and other buildings or fixtures for the purpose of carrying on school activities, the purchase of school furniture, library, apparatus and other equipment; initial payments or contributions to a pension scheme for officers and other employees of the board; R.S.O. 1950, c. 66, s. 1, cl. (g), *amended*; c. 165, s. 1 (1), cl. (m), *amended*.
- (m) "regulations" means regulations made under *The* 1954, c. 20 *Department of Education Act, 1954*; R.S.O. 1950, c. 66, s. 1, cl. (h), *amended*; c. 165, s. 1 (1), cl. (n), *amended*; c. 413, s. 1, cl. (e), *amended*.
- (n) "secondary school" means continuation, high or vocational school;
- (o) "secondary school district" means continuation or high school district; *New*.
- (p) "secretary" and "treasurer" include a secretary-treasurer; R.S.O. 1950, c. 38, s. 1, cl. (e).
- (q) "separated town" means a town separated for municipal purposes from the county in which it is situated;
- (r) "urban municipality" means city, town or village. R.S.O. 1950, c. 165, s. 1 (1), cls. (p, q).

(2) Where reference is made in this Act to the population <sup>Population</sup> of a county or municipality or a portion thereof, the population shall be determined by reference to the last revised assessment roll of the municipality or municipalities concerned, and the certificate of the clerk of a municipality with respect



to such population or number shall be conclusive. R.S.O. 1950, c. 165, s. 1 (2, 3), *amended*.

Resident  
pupils

(3) A person is a resident pupil with respect to a secondary school district,

- (a) if he resides with his parent or guardian in the secondary school district; or
- (b) if he or his parent or guardian is assessed in the secondary school district for an amount equal to the average assessment of the ratepayers in the district;

but a person is not a resident pupil under clause *a* if he resides with his parent or guardian on land which is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for and pays taxes for school purposes in the secondary school district. R.S.O. 1950, c. 66, s. 1, cl. (i), *amended*; c. 165, s. 1 (1), cl. (o), *amended*; c. 413, s. 1, cl. (f), *amended*.

County  
pupils

(4) A person is a county pupil of a county,

- (a) if he resides with his parent or guardian in that part of the county that is not within a secondary school district; or
- (b) if he or his parent or guardian is assessed in the part of the county that is not within a secondary school district for an amount equal to the average assessment of the ratepayers in the part of the county that is not within a secondary school district,

but a person is not a county pupil under clause *a* if he resides with his parent or guardian on land which is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for and pays taxes for school purposes in a municipality in the county. R.S.O. 1950, c. 66, s. 1, cl. (b), *amended*; c. 165, s. 1 (1), cl. (c), *amended*; c. 413, s. 1, cl. (b), *amended*.

## PART I

### CONTINUATION SCHOOLS

Establish-  
ment by one  
board

**2.—**(1) Subject to the approval of the Minister first being obtained, a public or separate school board may establish and maintain a continuation school with a staff of at least two full-time teachers.

(2) A continuation school established under subsection 1 <sup>Board</sup> shall be under the control and management of a board composed of the members of the board by which it is established, and the board shall be a corporation by the name of "The Board of Trustees of the Continuation School of .....". R.S.O. 1950, c. 66, s. 3 (1), *amended*.

(3) Subject to the approval of the Minister first being <sup>Establishment by two or more boards</sup> obtained, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards.

(4) An agreement under subsection 3 shall specify the <sup>Agreement</sup> proportion of the cost of the establishment and maintenance of the continuation school to be levied on the property liable to assessment and taxation for the purposes of each of the boards concerned or shall provide for the manner in which such proportion shall be determined. R.S.O. 1950, c. 66, s. 3 (4), *amended*.

(5) A continuation school established under subsection 3 <sup>Board</sup> shall be under the control and management of a board composed of such number of the members of each of the boards by which it is established, not exceeding two-thirds of the members of any such board, as the agreement provides, and the board shall be a corporation by the name of "The Board of Trustees of the Continuation School of ....." (*inserting a name selected by the board and approved by the Minister*).

(6) Each of the boards by which a continuation school is <sup>Time for appointments</sup> established under subsection 3 shall make its appointments to the continuation school board at its first regular meeting in each year. R.S.O. 1950, c. 66, s. 3 (5, 6), *amended*.

(7) An agreement under subsection 3 may be amended from <sup>Amendment of agreement</sup> time to time by further agreements among the boards concerned with respect to,

- (a) the apportionment of the cost of the establishment and maintenance of the continuation school or the manner in which the apportionment shall be determined; and
- (b) the number of members of each of the boards concerned who shall be members of the continuation school board. *New*.

(8) In addition to the members of the continuation school <sup>County appointments to board</sup> board provided for under subsection 2 or 4,

(a)

- (a) where the whole of a continuation school district is within one county, the council of the county may appoint one member who shall hold office for one year; and
- (b) where the continuation school district comprises parts of two or more counties, the council of each such county may appoint one member who shall hold office for one year.

Qualifica-  
tions

- (9) Any ratepayer of a municipality in a county who,
- (a) resides in the county, whether or not he resides in the continuation school district;
  - (b) is a British subject;
  - (c) has attained the age of twenty-one years; and
  - (d) is not a member of a municipal council or an officer of a municipality or county or otherwise disqualified,

is qualified to be appointed as a member of the continuation school board by the council of the county. R.S.O. 1950, c. 66, s. 3 (10), *amended*.

Continuation  
school  
prohibited  
in high  
school  
district

**3.**—(1) A continuation school shall not be established or maintained in any part of a high school district. R.S.O. 1950, c. 66, s. 7 (1), *amended*.

Overlapping  
high and  
continuation  
district  
boundaries

(2) Where a high school district includes within its limits any property within a continuation school district, such property shall not be assessed for the purposes of the continuation school. R.S.O. 1950, c. 66, s. 7 (3), *amended*.

## Taxation

**4.**—(1) Subject to section 5, all sums required for the support of a continuation school, after deducting the revenues derived from legislative grants, any county or other municipality, fees, and from all other sources, shall be provided for by levies,

- (a) where the school is established by one or more public school boards, on the property liable to assessment and taxation for public school purposes in the school section or sections;
- (b) where the school is established by a separate school board, on the property liable to assessment and taxation for the purposes of the separate school or schools under the jurisdiction of the separate school board;

(c)

- (c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assessment and taxation for public school purposes in the school section or sections and on the property liable to assessment and taxation for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards. R.S.O. 1950, c. 66, s. 5 (1), *amended*.

(2) Where the board of a union school section establishes a continuation school by itself or by agreement with another board or boards, the council of each municipality which, or part of which, is included in the union school section shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining the continuation school according to the equalized assessment, as provided by *The Public Schools Act*, of the part of the union school section situated in the municipality. R.S.O. 1950, c. 66, s. 3 (8), *amended*.

Apportion-  
ment of  
cost in  
union school  
section  
  
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c. 316

(3) A continuation school board shall prepare and submit to the municipal council or councils liable under this Act, on or before the date prescribed by the council or councils, estimates for the current year of all sums required to be provided by the council or councils to meet expenditures for the continuation school and for the payment of fees of resident pupils attending secondary schools outside the continuation school district which they have the right to attend as resident pupils, and such estimates shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees, and from all other sources. R.S.O. 1950, c. 66, s. 5 (2), *amended*.

Estimates

5.—(1) Where a township school area absorbs a former school section in which a continuation school has been established under subsection 1 of section 2, or two or more former school sections the boards of which have established a continuation school by agreement under subsection 3 of section 2, then at the option of the township council and subject to the approval of the Minister,

Board and  
maintenance  
where town-  
ship school  
area absorbs  
continuation  
school

- (a) the members of the township school area board shall constitute the continuation school board, and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the township school area; or

(b)

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(b) trustees shall be elected annually for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* for the election of rural school trustees and the continuation school board shall be composed of,

- (i) where only one former school section is absorbed, three trustees, and
- (ii) where two or more former school sections are absorbed, two trustees from each such former school section,

and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the former school section or sections. R.S.O. 1950, c. 66, s. 3 (12), *amended*.

Idem

(2) Where a township school area absorbs a former school section or sections the board or boards of which have established a continuation school by agreement under subsection 3 of section 2 in conjunction with one or more separate school boards, then at the option of the township council and subject to the approval of the Minister,

- (a) the members of the township school area board and two members appointed by each separate school board which is a party to the agreement shall constitute the continuation school board, and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the township school area and on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards; or
- (b) trustees shall be elected for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* for the election of rural school trustees and shall be appointed by the separate school board or boards, and the continuation school board shall be composed of,
  - (i) two trustees to be elected annually from each former school section so absorbed, and
  - (ii) two trustees to be appointed annually from among its members by each separate school board which is a party to the agreement,

and



and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the former school section or sections and on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards. R.S.O. 1950, c. 66, s. 3 (13), *amended*.

(3) Where a township school area absorbs some but not all of the school sections the boards of which have established a continuation school by agreement under subsection 3 of section 2, whether in conjunction with one or more separate school boards or not, trustees shall be elected for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* for the election of rural school trustees and shall be appointed by each separate school board which is a party to the agreement, and the continuation school board shall be composed of,

Where all school sections not absorbed

Rev. Stat., c. 316

- (a) two trustees to be elected annually from each former school section so absorbed;
- (b) two trustees to be appointed annually from among its members by the board of each other school section which is a party to the agreement and is not absorbed in the township school area;
- (c) two trustees to be appointed annually from among its members by each separate school board which is a party to the agreement. R.S.O. 1950, c. 66, s. 3 (14), *amended*.

(4) Notwithstanding subsection 3, where the school section in which the continuation school was established by agreement under subsection 3 of section 2 is not absorbed in the township school area, the township council may, subject to the approval of the Minister, provide that the continuation school board shall be composed of,

Where section in which school established not absorbed

- (a) one trustee to be elected annually by the electors of each former school section which is a party to the agreement and is absorbed in the township school area, in the manner provided in *The Public Schools Act* for the election of rural school trustees;
- (b) two trustees to be appointed annually from among its members by the board of the school section which is a party to the agreement and in which the continuation school is situated;

(c)

- (c) one trustee to be appointed annually from among its members by the board of each other school section which is a party to the agreement and is not absorbed in the township school area; and
- (d) one trustee to be appointed annually from among its members by each separate school board, if any, which is a party to the agreement. R.S.O. 1950, c. 66, s. 3 (15), *amended*.

Cost of  
maintenance

(5) Where the continuation school board is constituted as provided in subsection 3 or 4, the cost of maintaining the continuation school shall be provided by levies,

- (a) on the property liable to assessment for public school purposes in each school section which is a party to the agreement and is not absorbed in the township school area;
- (b) on the property liable to assessment for public school purposes in each former school section which is a party to the agreement and is absorbed in the township school area;
- (c) on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of each separate school board, if any, which is a party to the agreement. R.S.O. 1950, c. 66, s. 3 (17, 18), *amended*.

Elections

(6) Where the township council decides that the continuation school board shall be composed as provided in clause *b* of subsection 1, clause *b* of subsection 2, or subsection 3 or 4,

- (a) it shall notify the secretary of the continuation school board who shall call meetings of the electors of each former school section absorbed in the township school area for the purpose of electing one or more trustees, as the case requires, from each such former school section who shall hold office for one year;
- (b) the cost of such elections shall be borne by the continuation school board; and
- (c) upon a trustee being elected under clause *a*, the chairman of the meeting at which the trustee was elected shall notify the secretary of the continuation school board of the name of the trustee. R.S.O. 1950, c. 66, s. 3 (16), *amended*.

6.—(1) Subject to the approval of the Minister, the board of a continuation school established under subsection 1 of section 2 may by resolution dissolve the continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the board by which it was established. R.S.O. 1950, c. 66, s. 4 (1). Dissolution of continuation school

(2) Subject to the approval of the Minister, the board of a continuation school established by agreement under subsection 3 of section 2 may by resolution dissolve the continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the respective boards by which it was established according to the terms of the agreement or as may be agreed upon among the boards concerned. R.S.O. 1950, c. 66, s. 4 (2), *amended*. Idem

(3) Where the board of a continuation school ceases to operate the school but does not pass a resolution dissolving the school under subsection 1 or 2, the Minister on the report of the inspector concerned may direct the dissolution of the school as of the 31st day of December in the year in which the school is closed, and the board shall be deemed to have passed a resolution under subsection 1 or 2, as the case may be, with the approval of the Minister, dissolving the school as of that date. *New*. Idem

(4) Where a continuation school district is absorbed into a high school district, the continuation school shall be dissolved as of the date of the absorption, and the high school board and the board or boards by which the continuation school was maintained shall each appoint a representative who, with the clerk of each municipality which, or any part of which, was included in the continuation school district, shall be arbitrators to value and determine the rights and obligations of the boards and municipalities with respect to, Where continuation school district absorbed as part of high school district

(a) the assets and liabilities of the continuation school board; and

(b) the disposition of the property of the board.

(5) The secretary of the high school board of the district in which the former continuation school was located shall, within thirty days of such absorption, call a meeting of the arbitrators designated under subsection 4, who shall forthwith proceed to determine the rights and obligations of the respective boards and municipalities and report their findings to the secretary of the high school board and to the Minister. Arbitration and report

(6) If the high school board, or any board by which the continuation school was maintained, or any municipality

concerned,

concerned, disputes the award of the arbitrators, the board or municipality shall refer the matter to the county judge whose decision shall be final.

Board to  
continue to  
function

(7) For the purpose of this section, the members of the continuation school board in office at the date of the dissolution shall continue to function as a continuation school board until,

- (a) the assets and liabilities of the board have been distributed as provided in subsection 1 or 2; or
- (b) the award of the arbitrators, or the decision of the judge on appeal therefrom, has been made under subsection 4 and the assets, liabilities and property of the board have been disposed of in accordance with the award or decision.

Audit

(8) Where a board continues to function under subsection 7, the accounts of the board shall be subject to audit in the same manner as before the dissolution. 1951, c. 14, s. 1.

Powers of  
continuation  
school board

7.—(1) A continuation school board shall have, in respect of the continuation school, all the powers conferred on public or separate school boards as to acquiring school sites, erecting buildings and additions to buildings, and providing equipment for and paying the cost of permanent improvements and of the maintenance of such continuation schools. R.S.O. 1950, c. 66, s. 3 (2, 7), *amended*.

Application  
of Rev. Stat.,  
c. 316

(2) Such of the provisions of *The Public Schools Act* as are applicable and are not inconsistent with this Part shall be read as part of this Part. R.S.O. 1950, c. 66, s. 14, *amended*.

## PART II

### HIGH SCHOOLS

Minimum  
size of  
districts

8.—(1) No high school district shall be established, nor shall the boundaries of an existing high school district be altered, so as to result in a district comprising less than sixteen school sections and former school sections, unless the enrolment during the preceding calendar year of public and separate school pupils in the area to be included in the district is 600 or more, or the district is established under subsection 4 of section 12, or is on an island or in a territorial district. R.S.O. 1950, c. 165, s. 6 (1), *amended*.

County  
school  
maps

(2) During the month of December in each year, every county clerk shall prepare a map of the county showing the

boundaries



boundaries of each high school district within or partly within the county as they will exist on the 1st day of January of the following year. R.S.O. 1950, c. 165, s. 6 (2).

(3) Where a new high school district is established in a county or the boundaries of an existing high school district in a county are altered, the county clerk shall forward a copy of the by-law establishing or altering the district, not later than the 15th day of January next following the passing of the by-law, to,

- (a) the Minister;
- (b) the secretary of the board of the new district or of the district of which the boundaries are altered; and
- (c) the clerk of each municipality which or any part of which is situated within the new district or the district of which the boundaries are altered. R.S.O. 1950, c. 165, s. 6 (3), *amended*.

**9.** Whenever a high school district has existed in fact for three months or more before the 1st day of May, 1954, and whether it has been formed in accordance with the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if the district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of the district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings result in its being determined that the district has not been legally formed. R.S.O. 1950, c. 165, s. 3, *amended*.

**10.** In sections 11 to 14, "adjoining" means touching at any point, and,

- (a) where more than two counties are concerned, they shall be deemed to be adjoining if each county adjoins one of the other counties; and
- (b) for the purposes of a high school district comprising more than two municipalities or parts of municipalities, the municipalities or parts shall be deemed to be adjoining if each municipality, and each part of a municipality, included in the district adjoins some other municipality, or part of a municipality, included in the district. 1952, c. 36, s. 2.

**11.—(1)** Subject to subsection 2, every city and separated town is a high school district.



Discontin-  
uance of  
district

(2) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law discontinue its high school district, and,

(a) provide for the inclusion of the city or separated town in a new high school district; or

(b) provide for the addition of the city or separated town to an existing high school district. R.S.O. 1950, c. 165, s. 9 (1, 2), *amended*.

Increasing  
district

(3) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law provide that the whole or part of a municipality or municipalities adjoining the city or separated town be added to the high school district of the city or separated town. R.S.O. 1950, c. 165, s. 9 (3).

Establish-  
ment and  
discontin-  
uance of  
districts

**12.**—(1) Subject to the approval of the Minister first being obtained, the council of a county or the councils of two or more adjoining counties may by by-law establish the whole or any part of a municipality or the whole or parts of two or more adjoining municipalities situated within the county or counties as a new high school district, and the council of a county or the councils of two or more adjoining counties may in like manner discontinue any high school district already established within the county or counties and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other districts or include such municipalities or parts in one or more new districts. R.S.O. 1950, c. 165, s. 5 (1); 1952, c. 36, s. 3 (1).

In terri-  
torial  
districts

(2) Subject to the approval of the Minister first being obtained, the council of a municipality or the councils of two or more adjoining municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district. R.S.O. 1950, c. 165, s. 5 (2).

In unorgan-  
ized  
territory

(3) The Lieutenant-Governor in Council may establish any area in territory without municipal organization, or any such area and an adjoining municipality or municipalities or any part or parts thereof, as a high school district. 1952, c. 36, s. 3 (2).

On exempt  
land

(4) Where, in the opinion of the Minister, it is desirable to establish and maintain a high school on lands held by the Crown in right of Canada or Ontario, or an agency thereof, or on other lands which are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a high school district, and may appoint as members

of the board such persons as he may deem proper, and the board so appointed shall be a corporation by the name indicated in the order establishing the high school district, and shall have all the authority of a board of high school trustees for the purposes of this Act. 1952, c. 36, s. 3 (3), *amended*.

(5) The clerk of the municipality shall call the first meeting of a new board, but where the new high school district extends beyond one municipality the clerk of the municipality having the largest population within the district shall call the first meeting. R.S.O. 1950, c. 165, s. 5 (4). First meet-  
ing of new  
board

**13.**—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may by by-law provide that the whole or any part of any municipality or municipalities situated within the county or counties and adjoining the high school district shall be added to the high school district. Enlargement  
of districts

(2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more adjoining municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district which has been established in one or more of such municipalities. R.S.O. 1950, c. 165, s. 7 (1, 2). In terri-  
torial  
districts

(3) Where a high school district is enlarged under subsection 1 or 2, the assets of the board of the district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. R.S.O. 1950, c. 165, s. 7 (3), *amended*. Assets and  
liabilities

**14.**—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties which has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality which forms part thereof and shall add the municipality or part to another district or establish a new district including the municipality or part which has been detached. R.S.O. 1950, c. 165, s. 8 (1), *part*. Decreasing  
districts

(2) Where a municipality or part of a municipality is detached from a high school district under subsection 1, such municipality or part shall not be relieved from any rates imposed for the payment of debentures or other debts Rates for  
debt

incurred

incurred while it formed part of the district unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. R.S.O. 1950, c. 165, s. 8 (2), *amended*.

Conditions  
re by-laws

**15.—**(1) No by-law,

- (a) passed under subsection 1 of section 12 establishing a new high school district, by which a city or separated town is included in the high school district; or
- (b) passed under subsection 1 of section 13 adding a city or separated town to an existing high school district,

shall be effectual unless and until the council of the city or separated town passes a by-law under subsection 2 of section 11.

Idem

(2) No by-law passed under subsection 3 of section 11 adding the whole or part of one or more municipalities adjoining a city or separated town to the high school district of the city or separated town shall be effectual unless and until the council of the county or the councils of the counties, in which the municipality or municipalities to be added are situated, pass a by-law or by-laws under subsection 1 of section 13. R.S.O. 1950, c. 165, s. 10.

Assets and  
liabilities  
of dis-  
continued  
boards

**16.** Where a high school district is discontinued and the municipality or municipalities comprising the district form part of a new high school district or are included in an enlarged high school district, the assets of the board of the discontinued district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the new or enlarged high school district, as the case may be, unless otherwise provided by the by-law or by-laws discontinuing the high school district or by a by-law or by-laws subsequently passed with the approval of the Minister. R.S.O. 1950, c. 165, s. 11, *amended*.

Continuance  
of board for  
disposition  
of assets and  
liabilities

**17.** Where a high school district is discontinued, enlarged or decreased, the members of the board in office at the date of the discontinuance, enlargement or decrease shall continue to function as a high school board for the purpose of the disposition of assets and liabilities until such assets and liabilities have been disposed of as provided by the by-law or by-laws discontinuing, enlarging or decreasing the district or by a subsequent by-law or by-laws passed with the approval of the Minister, and the accounts of the board shall be subject to audit in the same manner as before the discontinuance, enlargement or decrease. *New*.

**18.** A by-law under section 11, 12, 13 or 14 shall be passed <sup>Time of passing and effective date of by-laws re districts</sup> on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following its passing unless otherwise provided therein. R.S.O. 1950, c. 165, ss. 5 (3), 7 (4), 8 (1) *part*, 9 (4).

**19.**—(1) Any ratepayer of a municipality which, or any <sup>Qualification of members</sup> part of which, is included in a high school district who,

- (a) is assessed in the high school district;
- (b) is a British subject;
- (c) has attained the age of twenty-one years;
- (d) resides in the high school district or within five miles of the boundaries thereof; and
- (e) is not a member of a municipal council or an officer of a municipality or county or otherwise disqualified,

is qualified to be a member of the high school board of the district.

(2) Notwithstanding subsection 1, in the case of an appoint- <sup>County appointees</sup> ment by a county council, any ratepayer of a municipality in the county who resides in the county and is qualified under clauses *b*, *c* and *e* of subsection 1 is qualified to be a member of the high school board.

(3) A person is not eligible to be appointed as a trustee <sup>Non-pay-ment of taxes</sup> or to sit or vote as a member of the high school board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which he qualifies is overdue or unpaid at the time of his appointment, but this subsection does not disqualify a person who is a tenant of such property if the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property. R.S.O. 1950, c. 165, s. 16, *amended*.

**20.**—(1) Where a high school district comprises one or <sup>Appointment of trustees by municipalities</sup> more municipalities not separated from the county for municipal purposes, or one or more municipalities in a territorial district, trustees shall be appointed by the council or councils of the municipality or municipalities included in the district as follows:

- (a) Where the district comprises only one municipality, the council shall appoint three trustees, one of whom shall retire each year.

(b)



- (b) Where the district comprises two municipalities,
- (i) the council of a municipality having a population within the district of 3,000 or more shall appoint three trustees, and
  - (ii) the council of a municipality having a population within the district of less than 3,000 shall appoint two trustees,
- one of whom in each case shall retire each year.

- (c) Where the district comprises more than two municipalities,
- (i) the council of a municipality having a population within the district of 6,000 or more shall appoint three trustees, one of whom shall retire each year,
  - (ii) the council of a municipality having a population within the district of 3,000 but less than 6,000 shall appoint two trustees, one of whom shall retire each year, and
  - (iii) the council of a municipality having a population within the district of less than 3,000 shall appoint one trustee who shall hold office for two years.

Where city  
or separated  
town in-  
cluded in  
district

(2) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes and a city or separated town, trustees shall be appointed by the council or councils of the municipality or municipalities not separated from the county or counties for municipal purposes as provided in subsection 1 and in addition the council of the city shall appoint six trustees, two of whom shall retire each year, or the council of the separated town shall appoint three trustees, one of whom shall retire each year, as the case may be.

Interpreta-  
tion

(3) A part of a municipality which is assessed for school purposes in the high school district for less than \$50,000 shall not be deemed a municipality for the purposes of subsections 1 and 2. R.S.O. 1950, c. 165, s. 18.

District  
composed of  
city or  
separated  
town

(4) Where a high school district comprises only a city or separated town, the council of the city or separated town shall appoint six trustees, two of whom shall retire each year. R.S.O. 1950, c. 165, s. 20, *amended*.

Order of  
retirement

(5) The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement. R.S.O. 1950, c. 165, s. 22.



**21.**—(1) Where the whole of a high school district is within one county, the council of the county may appoint one trustee who shall hold office for one year or, at the request of the board, may appoint three trustees, one of whom shall retire each year. County appointments

(2) Where a high school district comprises two or more counties or parts thereof, Idem

(a) the council of the county having the largest population within the district may appoint one trustee who shall hold office for one year or, at the request of the board, may appoint three trustees, one of whom shall retire each year; and

(b) the council of any other county within or partly within the district may, at the request of the board, appoint one trustee who shall hold office for one year. R.S.O. 1950, c. 165, ss. 18 (4), 19 (1, 2), *amended*.

(3) Upon the appointment of three trustees by a county council, the council shall provide for the order of their retirement, and upon the withdrawal of a request for the appointment of three trustees, the council shall determine which one of the three trustees appointed by it, other than the one whose term of office expires at the end of the year in which the request is withdrawn, shall remain in office for the succeeding year. R.S.O. 1950, c. 165, s. 19 (3, 4), *amended*. Retirement

**22.**—(1) Where one separate school board operates a separate school situated in a high school district, the separate school board may appoint to the high school board one trustee who shall not be a member of the separate school board and who shall hold office for one year. Separate school appointments

(2) Where two or more separate school boards operate separate schools situated in a high school district, the separate school board having the highest average attendance of pupils below grade 9 for the preceding year, as certified by the separate school inspector, may appoint to the high school board one trustee who shall not be a member of the separate school board and who shall hold office for one year. R.S.O. 1950, c. 165, s. 23, *amended*. Idem

**23.**—(1) Where one public school board operates a public school situated in a high school district, the public school board may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year. Public school appointments

Idem

(2) Where two or more public school boards operate public schools situated in a high school district, the public school board having the highest average attendance of pupils below grade 9 for the preceding year, as certified by the public school inspector, may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year. R.S.O. 1950, c. 165, s. 24 (1, 2), *amended*.

Special  
case

(3) In the case of the first board of a new high school district, in lieu of the appointment under subsection 2, where,

(a) a board of education is being dissolved and the municipality or municipalities over which the board has jurisdiction are included in the new high school district; and

(b) the average attendance of pupils below grade 9 for the preceding year in the school or schools under its jurisdiction, as certified by the public school inspector, exceeds the average attendance of such pupils in any public school section within the district,

the board of education may appoint to the high school board one trustee who shall not be a member of the board of education and who shall hold office for one year. R.S.O. 1950, c. 165, s. 24 (3).

Board and  
assessment  
in district  
in unorgan-  
ized  
territory

**24.** Where a high school district is established under subsection 3 of section 12, the Lieutenant-Governor in Council may provide for the formation of a board, and the cost of operating the high school or high schools under the jurisdiction of the board shall be levied on all the property in the high school district rateable for school purposes, and the provisions of sections 46 to 49 of *The Public Schools Act* shall apply *mutatis mutandis*. R.S.O. 1950, c. 165, s. 18 (6), *amended*.

Rev. Stat.,  
c. 316Trustees  
where  
district  
enlarged or  
decreased

**25.** Where a high school district is enlarged or decreased, the members of the board shall cease to hold office at the end of the year in which the by-law is passed, and new trustees shall be appointed as if the enlarged or decreased district were a new district. R.S.O. 1950, c. 165, s. 18 (5), *amended*.

Corpora-  
tion:  
name

**26.**—(1) Where a high school district comprises one municipality, the trustees shall be a corporation by the name of "The High School Board of the ..... of ....." or "The Collegiate Institute Board of the ..... of ....." (*inserting the classification and name of the municipality*).

Idem

(2) Where a high school district comprises more than one municipality, the trustees shall be a corporation by the name

of "The ..... District High School Board" or "The ..... District Collegiate Institute Board" (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1950, c. 165, s. 2 (1, 2).

**27.**—(1) High school trustees shall hold office until their successors are appointed and a new board is organized. <sup>Term of office</sup> R.S.O. 1950, c. 165, s. 2 (3), *amended*.

(2) The first appointments of members of a new board shall be made at the last regular meeting of the appointing body in the calendar year before the board is to be organized and the trustees shall take office on the 1st day of January in the following year. <sup>Time for appointments of trustees</sup>

(3) Vacancies arising from the annual retirement of trustees shall be filled at the last regular meeting of the appointing body in the calendar year and the trustees shall take office on the 1st day of January in the following year. <sup>Idem</sup>

(4) Where an appointing body fails to appoint a trustee as provided in subsection 2 or 3, it shall make the appointment at its next regular meeting. <sup>Idem</sup>

(5) Vacancies arising from death, resignation, removal from the high school district or county or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant. R.S.O. 1950, c. 165, s. 25 (1-3). <sup>Vacancies</sup>

(6) A trustee may resign by giving written notice thereof to the secretary of the board. *New.* <sup>Resignation</sup>

**28.**—(1) Every high school board shall provide adequate accommodation for its pupils and shall establish and maintain a high or vocational school in the high school district in which it has jurisdiction and may establish and maintain such additional high or vocational schools as the board may deem necessary and, subject to section 29, may provide for the location, erection, maintenance and management of the schools so established. R.S.O. 1950, c. 165, s. 12 (1). <sup>Establishment and maintenance of schools</sup>

(2) Notwithstanding subsection 1, the board of a high school district may, in lieu of establishing and maintaining a school, enter into an agreement with another secondary school board to provide for the instruction of its pupils in the schools under the jurisdiction of that board and for the payment of fees in respect of such pupils. R.S.O. 1950, c. 165, ss. 12 (2), 30 (2), *amended*. <sup>Exceptions</sup>

Where no  
school  
maintained

(3) If the board of a high school district in a county fails to operate a school for a period of two years and has not entered into an agreement under subsection 2, the county council or councils by which the district was established shall by by-law discontinue the district and include it in one or more adjoining districts. R.S.O. 1950, c. 165, s. 12 (3), *amended*.

Debentures  
for perman-  
ent improve-  
ments

**29.**—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a high school board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.

Application  
by board  
to council

(2) The application shall be made to the council or councils having jurisdiction in the high school district, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid

Council to  
deal with  
application

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Issue of  
debentures

(4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the high school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.

Rev. Stat.,  
c. 243

Submission  
of applica-  
tion to rate-  
payers

(5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the high school district, as the case may be, in the manner provided by *The Municipal Act* in the case of a money by-law.

When vote  
favourable

(6) If a majority of the votes cast throughout the high school district is in favour of the application, the council of the municipality in which the high school is or is to be situated shall raise the required sum by the issue of debentures in the manner provided by *The Municipal Act*, but without submitting the by-law to the electors.



(7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

(8) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, with or without such request, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*.

(9) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 8. R.S.O. 1950, c. 165, s. 48.

**30.**—(1) Where a high school district comprises more than one municipality or parts of municipalities, and an application made under subsection 2 of section 29 has been approved under subsection 4 thereof, or a majority of the votes is in favour of the application under subsection 6 thereof, and the councils of a majority of the municipalities which or part of which are included in the district by resolution request the council of the county in which the school is or is to be situated to raise the entire sum required by the issue of its debentures, such county council may without the assent of the electors issue the debentures in the manner provided by *The Municipal Act*, and the provisions of section 33 shall apply except that each municipality shall pay its proportion to the county council.

(2) The county council shall consider the request at its next meeting following the receipt thereof, and if the county council refuses the request, or neglects to make a decision at such meeting, the provisions of section 29 shall apply.

(3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the high school district comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situated, the council of the county shall issue the debentures. 1951, c. 32, s. 7.

**31.** Where a municipality has raised money for the purposes of a high school board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require. R.S.O. 1950, c. 165, s. 52 (1), *amended*.



## Estimates

**32.**—(1) Every high school board shall prepare and submit to each municipal council liable under this Act, on or before such times as the council prescribes, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year and for the payment of fees of resident pupils attending secondary schools outside the high school district which they have the right to attend as resident pupils, and such estimates,

- (a) shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources; and
- (b) may include such additional sum as may be deemed expedient for permanent improvements to be made during the year;

Rev. Stat.,  
c. 96

but the board of a high school district which includes a municipality that is subject to Part III of *The Department of Municipal Affairs Act*, or a part thereof, and that is unable to obtain the approval of the Ontario Municipal Board to the issue of debentures for permanent improvements of a high school or high schools shall not include in its estimates any sum for permanent improvements without the approval of the municipal council concerned. R.S.O. 1950, c. 165, s. 28, cl. (m); 1952, c. 36, s. 4.

Rates for  
current  
purposes

(2) The council or councils of the municipality or municipalities which or part of which is or are included in a high school district shall levy and collect each year and transfer to the high school board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for,

- (a) maintenance of the school or schools under the jurisdiction of the board;
- (b) payment of fees for which the board is liable in respect of resident pupils attending other schools; and
- (c) capital expenditure out of current revenue not exceeding \$5,000 or for such greater sum as may be authorized by the Ontario Municipal Board,

and such amount shall be apportioned and raised in the manner provided in section 33 with respect to liability for debenture debt. R.S.O. 1950, c. 165, s. 49.

**33.**—(1) Where a high school district comprises more than one municipality or parts thereof and the municipalities or parts form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. <sup>Proportion-ate liability for debenture debt</sup>

(2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city or separated town or the equalized assessment of the municipality or part, as the case may be, bears to the total of the assessment of the city or separated town and of the equalized assessments of the other municipalities or parts, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. <sup>Idem</sup>

(3) Where a high school district comprises two or more adjoining municipalities or parts thereof in a territorial district, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part bears to the total assessment of the whole district, and the council of each municipality shall levy on the property liable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. R.S.O. 1950, c. 165, s. 50 (1-3). <sup>Idem</sup>

(4) The payments required to be made by a municipality to the municipality or county that has issued the debentures shall be made on or before the date or dates in each year upon which the payments in respect of the debentures fall due, and where a municipality defaults in paying its proportion when due, the municipality or county that has issued the debentures may charge the defaulting municipality interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. 1951, c. 32, s. 8. <sup>Time for payments</sup>

(5) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, <sup>Assumption of larger proportion</sup>

2 or 3, and in that case the proportion of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be.

Request for  
arbitration

(6) Where the council of one of the municipalities is of opinion that the division of liability in accordance with subsections 1 to 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district for an arbitration.

Arbitrators

(7) Upon receipt of the application, the board shall direct its secretary to call a meeting of the assessors of the municipalities within or partly within the district, and the county assessors, if any, of the county or counties within which the municipalities forming part of a county for municipal purposes are situated, and these assessors shall be arbitrators to determine the proportion of liability each municipality shall bear. R.S.O. 1950, c. 165, s. 50 (4-6).

Designation  
of assessor

(8) For the purpose of subsection 7, where there is more than one assessor in any municipality, the council thereof shall name one of them to be the arbitrator for the municipality. 1952, c. 36, s. 5.

Notification  
of decision

(9) The arbitrators shall make their decision in writing and file a copy thereof with the secretary of the board who shall forthwith send a copy of the decision to the clerk of each municipality by registered letter.

Costs

(10) The costs of the arbitration shall be in the discretion of the arbitrators and the direction of the arbitrators with respect thereto shall be included in their decision.

Reference to  
Municipal  
Board where  
decision  
objected to

(11) If, within thirty days of the mailing of the copies of the decision by the secretary, the council of one of the municipalities files with the secretary a written objection to the decision of the arbitrators, the board shall refer the matter to the Ontario Municipal Board whose decision shall be final. R.S.O. 1950, c. 165, s. 50 (7-9).

Considerations in  
determining  
liability

(12) In considering the proportion of liability that each municipality shall bear, the arbitrators and the Ontario Municipal Board may have regard to the assessments and equalized assessments, the location of the school and the use that will be made of it, the relative populations of the municipalities, transportation costs, and any other matter that in their view should be considered in order to result in an equitable apportionment of liability. *New.*

(13) The decision of the arbitrators, or if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, shall be effective for a period of five years or until the boundaries of the high school district are changed or until the assessment of one of the municipalities is increased or decreased by a total of more than 10 per cent in any two consecutive years. R.S.O. 1950, c. 165, s. 50 (10), *amended*. Effect of decision

(14) Where the matter is referred to the Ontario Municipal Board, the costs of the arbitration and of the reference shall be in the discretion of that Board. Costs

(15) Nothing in section 29 or in this section shall prevent the municipality in which the high school is situated from assuming the full cost of permanent improvements or any part thereof or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. R.S.O. 1950, c. 165, s. 50 (11, 12). Municipality may assume full cost of permanent improvements

**34.**—(1) A high school board may establish summer schools and classes. R.S.O. 1950, c. 165, s. 28, cl. (c), *amended*. Summer schools

(2) The board of a high school district which comprises two or more municipalities or parts thereof may, Borrowing and trustee allowances

(a) if necessary to provide for the payment of current operating costs, borrow on the promissory note of the board under its corporate seal, at interest not exceeding 8 per cent per annum, such moneys as may be required for that purpose until the current year's taxes and legislative grants have been received;

(b) pay to each trustee a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by him in any one year. R.S.O. 1950, c. 165, s. 28, cl. (r), s. 29 (2), *amended*.

**35.**—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the high school purposes of any locality, or which may hereafter be so granted, devised, acquired or vested shall be vested in the board having jurisdiction in such locality. R.S.O. 1950, c. 165, s. 33 (1). High school property vested in trustees



Power to  
sell, lease,  
etc.

(2) Subject to the approval of the Minister, the board shall have full power to sell, convey, transfer or lease such property, or any part thereof, or any property otherwise acquired by the board, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes.

Notice to  
Minister

(3) Where a board sells, conveys, transfers or leases any such property, the secretary of the board shall immediately advise the Minister as to the disposition of the proceeds. 1951, c. 32, s. 4.

Appointment  
of inspectors

**36.**—(1) Where a high school board employs 150 or more teachers, the board, subject to the approval of the Minister, may appoint one or more secondary school inspectors.

Idem

(2) The appointment of an inspector by a board shall be subject to ratification by the Minister and, if not so ratified within one year after he enters upon his duties, his engagement shall terminate at the end of that period and the board shall appoint another inspector in his place.

Jurisdiction  
and duties  
of inspectors

(3) Where more than one inspector is appointed by a board, the board may, subject to the approval of the Minister,

(a) designate one of the inspectors to be chief inspector;

(b) define the limits of the inspectorate of each inspector;

(c) assign to the chief inspector and to each inspector such duties, in addition to those prescribed by the regulations, as the board may deem expedient.

Suspension  
or removal  
by Minister

(4) An inspector appointed by a board may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

Suspension  
by board

(5) A board may suspend an inspector appointed by it for neglect of duty, misconduct, inefficiency or physical infirmity and the secretary of the board shall forthwith report the suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the inspector from office, and the decision of the Minister shall be final.

Salary  
during  
suspension

(6) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension as he may think just.



(7) A board shall not appoint as an inspector any person who is not qualified as prescribed by the regulations or who has been removed from the office of inspector by the Minister. Qualifications

(8) Except with the approval of the Minister, an inspector shall not accept any other office or employment and may not follow any other profession or calling during his tenure of office as an inspector. *New.* Restrictions on employment

## PART III

### VOCATIONAL SCHOOLS

**37.** In this Part, "board" means high school board or board of education. R.S.O. 1950, c. 413, s. 1, cl. (a). Interpretation

**38.**—(1) Subject to the approval of the Minister, a board may establish and maintain a vocational school. Establishment of vocational schools

(2) Subject to the approval of the Minister, a vocational school under this Part may provide, Courses of study

(a) full-time day courses of study;

(b) part-time day courses of study;

(c) evening courses of study. R.S.O. 1950, c. 413, ss. 3, 4, *amended.*

(3) A board which has established a vocational school may establish special vocational schools or classes for the purpose of providing vocational education for pupils of thirteen years of age and over who have been in attendance in auxiliary classes or who are eligible for admission to such classes. *New.* Special vocational schools and classes

**39.**—(1) Upon the recommendation of the vocational school principal and with the approval of the advisory committee, pupils who have successfully completed grade 7 at an elementary school may be admitted to any pre-vocational school course of study at a vocational school. R.S.O. 1950, c. 413, s. 5 (2). Admission of pupils to pre-vocational school courses

(2) Subject to the regulations, pupils of thirteen years of age and over who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, on the recommendation approved by the Minister of an examining board constituted by the Minister for the purpose, be admitted to special vocational schools or classes. to special vocational schools and classes

- Idem (3) Subject to the regulations, a resident pupil,
- 1954, c. 86 (a) who is required to attend school under *The Schools Administration Act, 1954*; and
- (b) in respect of whom a recommendation that he attend a special vocational school or class established by the school board has been made and approved under subsection 2,

may be required by the school board to attend any such special vocational school or class. 1952, c. 111, s. 2, *amended*.

Admission of adults (4) Where the vocational school principal is satisfied that an adult is competent to receive instruction, the adult may, without regard to his school standing, be admitted,

- (a) to a special full-time day course of study;
- (b) to a part-time day course of study; or
- (c) to an evening course of study. R.S.O. 1950, c. 413, s. 5 (4).

Transfer from pre-vocational courses

- (5) Where a pupil has,
- (a) attended pre-vocational school classes in a vocational school for at least one year; and
- (b) made progress in his course of study satisfactory to the principal,

he may, with the approval of the principal, transfer to any other course of study in the vocational school. R.S.O. 1950, c. 413, s. 5 (6), *amended*.

Advisory vocational committee

**40.**—(1) Where, in accordance with the regulations, one or more schools to which this Part applies are established by a board, the schools shall be under the management and control of an advisory vocational committee appointed by the board. R.S.O. 1950, c. 413, s. 6.

Composition (2) The committee shall be composed of eight or twelve persons, as the board may direct, the members of which shall be appointed by the board.

Idem (3) When the number of members is eight, the committee shall be composed of,

- (a) the chairman and three other members of the board, including the representative, if any, appointed by the public school board, the representative, if any, appointed by the separate school board, and one of

the representatives, if any, appointed by the county council or councils, or where a board of education is established, the chairman and three other members of the board, including a representative, if any, appointed by the separate school board and one of the representatives, if any, appointed by the county council or councils;

- (b) two persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) two other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

(4) When the number of members is twelve, the committee *Idem* shall be composed of,

- (a) the chairman and five other members of the board, including the representative, if any, appointed by the public school board, the representative, if any, appointed by the separate school board, and one of the representatives, if any, appointed by the county council or councils, or where a board of education is established, the chairman and five other members of the board, including a representative, if any, appointed by the separate school board and one of the representatives, if any, appointed by the county council or councils;
- (b) three persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) three other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district. R.S.O. 1950, c. 413, s. 7, *amended*.

(5) Where,

- (a) a public school board, a separate school board or a county, which has the right to appoint a representative to a high school board, fails to make its appoint-

Where  
appointing  
body fails  
to make  
appoint-  
ment

ment

ment for any year before the 1st day of February in that year; or

- (b) a separate school board or a county, which has the right to appoint a representative to a board of education, fails to make its appointment for any year before the 1st day of February in that year,

the high school board or board of education shall appoint from among its members a representative or representatives to complete the number of representatives of the board on the committee and each member so appointed shall hold office until the end of the year in which he is appointed. R.S.O. 1950, c. 413, s. 8, *amended*.

Appoint-  
ment of  
members

41.—(1) The first members of the advisory vocational committee shall be appointed at the meeting of the board at which a school is established for which the committee is to be appointed.

Tenure of  
office

(2) The members of the committee who are members of the board shall hold office until the expiry of the period for which they were elected or appointed to the board.

Idem

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board but shall not exceed three years.

Vacancies

(4) The board, at its first meeting in each year after the establishment of the school, shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class.

Idem

(5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.

Quorum

(6) The presence of a majority of the members constituting a committee shall be a quorum at any meeting, and a vote of the majority of the quorum shall be necessary to bind a committee.

Chairman  
voting

(7) On every question other than the election of a chairman the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1950, c. 413, s. 9.

**42.**—(1) The advisory vocational committee may, in any year at a meeting which has been specially called for the purpose and of which notice has been given to all the members, appoint such additional members of the committee, to be known as co-opted members, as it may deem necessary. <sup>Co-opted members</sup>

(2) In the appointment of co-opted members, an equal number of persons shall be appointed from each of the classes mentioned in clauses *b* and *c* of subsection 3 of section 40 or in clauses *b* and *c* of subsection 4 of section 40, as the case requires, and a number of members of the board shall be appointed equal to the total number of additional persons appointed from the said classes. <sup>Idem</sup>

(3) Co-opted members shall hold office for the calendar year in which they are appointed. R.S.O. 1950, c. 413, s. 10, *amended*. <sup>Term of office</sup>

**43.** The members of the advisory vocational committee, including co-opted members, shall be British subjects, and shall be persons who, in the judgment of the board, are specially competent to give advice and other assistance in the management of the school or schools under the charge of the committee. R.S.O. 1950, c. 413, s. 11. <sup>Qualifications of members</sup>

**44.**—(1) Subject to the approval of the Minister and the board, the advisory vocational committee may provide a suitable site and building and suitable equipment or arrange for conducting a school in an elementary or secondary school building or other building in the high school district, and define courses of study. R.S.O. 1950, c. 413, s. 12 (1), *amended*. <sup>Powers of committee</sup>

(2) Subject to the approval of the board, the committee shall select teachers and determine a schedule of salaries, report on every school under its charge, fix the fees payable by pupils in attendance, submit annually to the board at such date as the board may prescribe an estimate of the amount required to carry on the work of the school during the year, and generally do all other things necessary for carrying out the objects and intent of this Part with respect to any school under its management and control. <sup>Other powers</sup>

(3) The board shall not refuse its approval of any report of the committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which the report is referred by the chairman of the committee or by another member of the committee appointed for that purpose. <sup>When approval withheld</sup>

(4) The secretary and other officers of the board shall be the officers of the committee. <sup>Officers of committee</sup>



Co-ordinat-  
ing officers

(5) Subject to the approval of the Minister and the board, the committee may appoint one or more officers with qualifications approved by the Minister to bring to the attention of employers and employees the work of the schools, and to make the necessary arrangements among employers, employees and the schools for the conduct of part-time or co-operative classes, and, in general, to act as a co-ordinating officer or officers between the local industries and the schools, and every person so appointed shall be subject to the control of the committee.

Vocational  
guidance  
officers

(6) Subject to the approval of the Minister and the board, the committee may appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils of the schools under the charge of the committee as will enable them to plan intelligently for their vocational and educational advancement, and every person so appointed shall be subject to the control of the committee. R.S.O. 1950, c. 413, s. 12 (3-7).

Estimates

**45.**—(1) Subject to the regulations, the estimates of the advisory vocational committee of the cost of establishing, equipping and maintaining the school or schools under its management and control, when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the municipal council or councils for the year.

Provision  
of moneys

(2) Subject to the regulations, the cost of establishing, equipping and maintaining vocational schools, and the cost of permanent improvements thereof, shall be provided for in the same manner as in the case of high schools. R.S.O. 1950, c. 413, s. 13 (1, 2), *amended*.

Application  
of Pts. II,  
IV, V and  
1954, c. 86

**46.** Where not inconsistent with this Part, Parts II, IV and V and *The Schools Administration Act, 1954* shall apply in all matters concerning the operation and management of a vocational school, the property in connection therewith, the employment and retirement of teachers and other persons employed in such vocational school, and in any other matters whatsoever. R.S.O. 1950, c. 413, s. 13 (9), *amended*.

## PART IV

### BOARDS OF EDUCATION

Interpreta-  
tion

**47.** In this Part,

(a) "board of education" means a board of education established under section 49;

(b)

- (b) "union board of education" means a board to which section 61 applies. R.S.O. 1950, c. 38, s. 1, cls. (d, f), amended.

48.—(1) A board of education may be established in a high school district to perform the duties of a high school board for the district and the duties of a public school board for the public school section or sections situated within the boundaries of the district, and where a board of education is established,

- (a) for high school purposes, it shall be deemed to be a high school board for the purposes of this and every other Act; and
- (b) for public school purposes, it shall be deemed to be a public school board for the purposes of this and every other Act,

except where inconsistent with this Part. *New.*

(2) Every board of education shall be a corporation and shall have and possess all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board or a high school board.

(3) The name of a board of education which has jurisdiction in one municipality shall be "The Board of Education for the..... of ....." *(inserting the name of the municipality).*

(4) The name of a board of education which has jurisdiction in more than one municipality shall be "The..... District Board of Education" *(inserting a name selected by the board and approved by the Minister).* R.S.O. 1950, c. 38, s. 14.

49.—(1) Subject to the approval of the Minister first being obtained, where a high school district does not extend beyond the limits of the municipality, the council of a city, town, village or township may, on or before the 1st day of July in any year, pass a by-law establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part. R.S.O. 1950, c. 38, s. 2 (1).

(2) Subject to the approval of the Minister first being obtained, where a high school district which includes two or more municipalities or parts thereof comprises the same

area as one or more units of public school administration, the council of the county or the councils of the counties in which the high school district has been established shall, on or before the 1st day of July in any year, upon the receipt of a resolution from the council of each of the municipalities within the district declaring that it is expedient to form a board of education for the district, pass a by-law establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part. R.S.O. 1950, c. 38, s. 3 (1), *amended*.

Board in  
territorial  
district

(3) Subject to the approval of the Minister first being obtained, where a high school district has been established by two or more adjoining municipalities in a territorial district, the councils of the municipalities may, on or before the 1st day of July in any year, pass by-laws establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal elections and the members to be appointed shall be appointed and the board organized in accordance with this Part. R.S.O. 1950, c. 38, s. 5 (1).

Board in  
unorganized  
territory  
or on  
exempt  
lands

(4) Where a high school district has been established under subsection 3 or 4 of section 12, the Lieutenant-Governor in Council may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part shall apply to the board. R.S.O. 1950, c. 38, s. 4, *amended*.

By-law  
although  
district not  
in effect

(5) A by-law establishing a board of education may be passed notwithstanding that a union board of education exists for the district, or notwithstanding that the by-law or by-laws establishing the high school district have not come into effect in which case no high school board shall be organized. R.S.O. 1950, c. 38, ss. 2 (2), 6.

Assets,  
liabilities,  
etc.

**50.—**(1) Upon the organization of a board of education,

- (a) the high school<sup>™</sup> board and all public school boards in the high school district are dissolved and where a union board of education exists for the district, it is dissolved;
- (b) all the property vested in such boards shall become vested in the board of education;
- (c) all debts, contracts, agreements and liabilities for which such boards were liable shall become obliga-

tions of the board of education. R.S.O. 1950, c. 38, ss. 2 (3), 3 (2) (a, b), 5 (2), 15, *amended*.

(2) Where a board of education is established,

Levies, etc.,  
for board

- (a) the cost of operating the public and secondary schools under the jurisdiction of the board shall be apportioned among the municipalities within the district and shall be levied and collected *mutatis mutandis* in the manner provided in subsection 2 of section 32;
- (b) the issue of debentures for both public and secondary school purposes and the apportionment among the municipalities within the district and the levy and collection for payments under the debentures shall be governed *mutatis mutandis* by sections 29, 30 and 33,

except that levies for public school purposes shall be made only on property rateable therefor. R.S.O. 1950, c. 38, s. 3 (2), cl. (c), *amended*.

**51.** A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but where public school property is appropriated for high school purposes the public school shall be credited with the value of the property so appropriated and where high school property is appropriated for public school purposes the high school shall be credited with the value of the property so appropriated. R.S.O. 1950, c. 38, s. 29.

Appropriation of  
property

**52.—**(1) Subject to section 59, where a board of education is established for one municipality, the elective members of the board shall be as follows:

Composition of board  
for one  
municipality

- (a) In a city having a population of 50,000 or more, twelve members shall be elected as provided in section 54.
- (b) In a city having a population of less than 50,000, nine members shall be elected as provided in section 54.
- (c) In a town, village or township, seven members shall be elected as provided in section 54.



Separate  
school  
appoint-  
ments

(2) In addition to the members elected under subsection 1,

- (a) in a city having a population of 50,000 or more, the separate school board of the city shall appoint two members;
- (b) in any other municipality, the separate school board of the municipality shall appoint one member,

in the same manner and under the same conditions as if the board of education were a high school board.

County  
appoint-  
ments

(3) In addition to the members elected under subsection 1, an additional member or members may be appointed by a county council or councils in the same manner and under the same conditions as if the board of education were a high school board.

Where no  
separate  
school  
board

(4) Where there is no separate school board of the municipality, the board shall be composed of the elected members as provided in subsection 1 and the appointed members, if any, as provided in subsection 3. R.S.O. 1950, c. 38, s. 7 (1), cls. (a-e), *amended*.

Board for  
two munic-  
ipalities

**53.—**(1) Where a board of education is established for two municipalities, a municipality having a population within the high school district,

- (a) of less than 1,000 shall elect two members;
- (b) of 1,000 but less than 3,000 shall elect three members;
- (c) of 3,000 but less than 6,000 shall elect four members;
- (d) of 6,000 or more shall elect five members.

Board for  
more than  
two munic-  
ipalities

(2) Where a board of education is established for three or more municipalities, a municipality having a population within the high school district,

- (a) of less than 1,000 shall elect one member;
- (b) of 1,000 but less than 3,000 shall elect two members;
- (c) of 3,000 but less than 6,000 shall elect three members;
- (d) of 6,000 but less than 10,000 shall elect four members;
- (e) of 10,000 or more shall elect five members.

Interpreta-  
tion

(3) A part of a municipality which is assessed for school purposes in the high school district for less than \$50,000 shall not be deemed a municipality for the purposes of subsections 1 and 2. R.S.O. 1950, c. 38, s. 7 (2-4).



(4) In addition to the members elected under subsection 1 or 2, an additional member or members may be appointed by a county council or councils and an additional member by a separate school board in the same manner and under the same conditions as if the board of education were a high school board. 1951, c. 6, s. 1, *amended*.

**54.**—(1) The members of a board of education to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve, and, save as otherwise provided, all the provisions of *The Public Schools Act* respecting the qualification of trustees and the election of trustees by ballot shall apply to the election. R.S.O. 1950, c. 38, s. 7 (7).

(2) Notwithstanding the residence qualification prescribed in *The Public Schools Act*, a person who is a ratepayer of a municipality which, or any part of which, is included in the high school district, and who is assessed in the district and resides within five miles of the boundaries of the district, shall, unless otherwise disqualified, be qualified to be a member of the board of education of the district. R.S.O. 1950, c. 38, s. 7 (8), *amended*.

(3) The first election shall take place at the time of holding the municipal elections in the year in which the by-law or by-laws establishing the board of education is or are passed, but nothing in this section shall affect any board having jurisdiction over any public school, high school or vocational school during the year in which such by-law is passed.

(4) Every person qualified to vote shall be entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate.

(5) At the first election the full number of elective members shall be elected.

(6) Where a municipality elects more than one member, one-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes, shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue in office for one year and until their successors are elected and the new board is organized.

Where one member elected

(7) Subject to subsection 8, where a municipality elects only one member, he shall continue in office for two years and until his successor is elected and a new board is organized.

Where several municipalities elect one member

(8) Where two or more municipalities each elect only one member, the sequence of retirement of those members shall be determined by lot to be cast by the secretary at the first meeting of the board, and one-half of such members where the number of such members is an even number and the next number higher than one-half where the number of such members is an odd number, shall continue in office for two years and until their successors are elected and a new board is organized, and the remainder of those members shall continue in office for one year and until their successors are elected and a new board is organized.

Retirement where members have equal votes

(9) Where two or more members receive an equal number of votes at the first election or where the full number of members to be elected is elected by acclamation and no agreement as to which of them shall retire is reached at the first meeting of the board, then at the next meeting the question shall be determined by lot to be cast by the secretary in the presence of the board, and the result shall be entered upon the minutes of the meeting.

Subsequent elections

(10) At each annual election after the first, a sufficient number of members shall be elected for two years to fill the places of the members retiring.

Retiring members eligible for re-election

(11) The members retiring at the expiration of the terms for which they were respectively elected or appointed shall be eligible for re-election or re-appointment if otherwise qualified. R.S.O. 1950, c. 38, s. 7 (9-17).

Appointment by separate school board

(12) The appointment of a member or members by a separate school board shall be made at the last regular meeting thereof in the year before the first meeting of the board of education is to be held and at its last regular meeting in every second year thereafter, and any member so appointed shall hold office for two years and until his successor is appointed. R.S.O. 1950, c. 38, s. 7 (18, 19), *amended*.

Members of appointing body not eligible

(13) No member of a body having the right to appoint a member of a board of education shall be eligible for appointment or election as a member of the board. R.S.O. 1950, c. 38, s. 7 (20).

Additional representation

(14) When by reason of increased population additional representation on a board of education becomes necessary, the appointment shall be made or the election shall take place of the additional members at the regular time for the next

ensuing year, and the election of such members and of those required to replace retiring members shall be decided together in accordance with subsection 6. R.S.O. 1950, c. 38, s. 7 (1), cl. (f).

**55.**—(1) A member of a board of education who is a <sup>Restrictions on appointed members</sup> separate school supporter, or who is appointed by the county council, shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools. R.S.O. 1950, c. 38, s. 27.

(2) A board shall not be deemed incomplete by reason <sup>Failure to appoint</sup> only of the failure of an appointing body to appoint the member or members which it has the right to appoint. R.S.O. 1950, c. 38, s. 7 (6).

(3) Where the office of an appointed member becomes <sup>Vacancies in office of appointed members</sup> vacant from any cause before the expiration of the term for which he was appointed, the vacancy shall be filled forthwith by the appointing body and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed.

(4) When an appointing body fails to appoint a member <sup>Idem</sup> at the prescribed time, the appointment may be made subsequently, but the term of office of the person appointed shall expire as if he had been appointed at the time prescribed. R.S.O. 1950, c. 38, s. 12.

**56.**—(1) Where the office of an elected member of a board <sup>Vacancies in cases of elected members</sup> of education becomes vacant from any cause before the expiration of the term for which he was elected, a majority of the remaining elected members present shall, at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected.

(2) In case of an equality of votes, the elected member <sup>Casting vote</sup> present having the largest number of votes at his election shall have a second or casting vote.

(3) Where a vacancy occurs within one month of the time <sup>Vacancies within one month of annual election</sup> for the next ensuing annual election, it shall not be filled in the manner provided by subsection 1, but the office shall remain vacant until the annual election and if the term of the vacant office then expires a new trustee shall be elected or if the term of the vacant office does not then expire some duly qualified person shall be elected at such annual election to fill the vacancy for the unexpired term of office for which his predecessor was elected. R.S.O. 1950, c. 38, s. 11.

Disqualifica-  
tion  
Rev. Stat.,  
c. 316

**57.** Subject to subsection 2 of section 54, the provisions of *The Public Schools Act* and of Part II respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, shall apply to all boards of education. R.S.O. 1950, c. 38, s. 25.

Annual  
election of  
board,  
vote of  
ratepayers  
on question

**58.**—(1) Where a board of education has jurisdiction in only one municipality, the council of the municipality may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of the annual election of the members of the board of education?" and if the question is answered in the affirmative by a majority of the electors voting thereon, all the elective members of the board shall be elected annually, and the clerk of the municipality shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board shall cease to hold office on the 31st day of December of the same year.

Adoption of  
two-year  
term for  
members of  
board

(2) The council of any municipality in which the members of the board of education have been elected annually for five years under subsection 1 may before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of the members of the board of education holding office for a term of two years?" and if the question is answered in the affirmative by a majority of the electors voting thereon, all the elective members of the board shall thereafter be elected for a term of two years in accordance with section 54, or where the same applies section 59, and the clerk of the municipality shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board then in office shall cease to hold office on the 31st day of December of the same year.

Return to  
one-year  
term

(3) Whenever members of a board of education are elected under subsection 2, elections thereunder shall continue to be held for a period of not less than six years before the members may again be elected under subsection 1. R.S.O. 1950, c. 38, s. 8.

Election of  
members by  
wards in  
cities of  
100,000

**59.**—(1) The council of a city having a population of not less than 100,000 may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of electing the board of education by wards?"

How board  
to be  
constituted  
if question  
answered in  
affirmative

(2) If the question is answered in the affirmative by a majority of the persons voting thereon, the clerk of the city

shall



shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board of education shall cease to hold office on the 31st day of December of the same year, and thereafter the board shall consist of two members to be elected in each ward of such city and two members who shall be appointed by the separate school board.

(3) The question provided for in subsection 1 may be submitted notwithstanding that the by-law establishing a board of education for the city has not come into effect, and if the question is answered in the affirmative by a majority of the persons voting thereon, the elective membership of the board shall consist of two members to be elected in each ward of the city.

(4) At the first election held after the question has been so answered in the affirmative, the requisite number of members shall be elected, and in each ward the two candidates receiving the highest number of votes shall be elected, and as between themselves the candidate having the larger number of votes shall continue in office for two years and the other for one year, and until their respective successors have been elected under this Part and the new board organized.

(5) At each annual election after the first, the term of office of each elected member shall be two years. R.S.O. 1950, c. 38, s. 9 (1-5).

(6) Except as otherwise provided in this section, the provisions of this Part shall apply to a board of education organized under this section. R.S.O. 1950, c. 38, s. 9 (7).

(7) The council of any city which has passed a by-law under this section may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of repealing the by-law for electing the board of education by wards?" and if the question is answered in the affirmative by a majority of the electors voting thereon, the election shall thereafter be conducted in the manner provided by section 54. R.S.O. 1950, c. 38, s. 10.

**60.**—(1) When a board of education has jurisdiction in only one municipality, and at a meeting of a board of education specially called for that purpose a majority of the members of the board vote in favour of the dissolution of the board, a copy of the resolution shall be submitted forthwith to the municipal council with the request that the question "Are you in favour of dissolution of the board of education?" be submitted to a vote of the electors of the municipality.



Board dissolved upon affirmative vote

(2) The council shall at the next municipal election submit the question to a vote of the electors, and if the question is answered in the affirmative by a majority of the electors voting thereon, the board of education shall be dissolved on the 31st day of December of the year in which the vote is taken.

High school and public school board established

Rev. Stat., c. 316

(3) Upon the dissolution of the board of education, a high school board and a public school board shall be established in the municipality, and the provisions of Part II and *The Public Schools Act* shall apply with respect to the appointment of high school trustees and the election of public school trustees respectively.

Disposition of assets and liabilities

(4) Upon the dissolution of the board of education, all property held or possessed by the board for high school purposes shall vest in the high school board and all property held or possessed by the board for public school purposes shall vest in the public school board, and all debts, contracts, agreements and liabilities for which the board of education was liable shall become obligations of the high school board or the public school board, as the case may be.

In the event of dispute

(5) In the event of a dispute as to the division of the property and liabilities of the board of education, the division shall be made by the municipal council, whose decision shall be final. R.S.O. 1950, c. 38, s. 16 (1-5).

Board of education dissolved upon enlargement or dissolution of high school district

(6) Where a board of education has jurisdiction in only one municipality and the high school district is dissolved or enlarged to include other municipalities, the board of education shall *ipso facto* be dissolved and a high school board and a public school board shall be established for the municipality as provided in subsection 3 and subsections 4 and 5 shall apply. R.S.O. 1950, c. 38, s. 16 (6), *amended*.

Application of section  
Rev. Stat., c. 38

**61.**—(1) This section applies to every union board of education heretofore established under *The Boards of Education Act* or any predecessor thereof, that is in existence on the day this Act comes into force. *New*.

Trustees of union board

(2) The members of the high school and public school boards forming the union shall continue to be appointed and elected as if the union had not been formed and when so appointed or elected shall be the members of the union board of education. R.S.O. 1950, c. 38, s. 17 (3), *part, amended*.

To be a corporation

(3) Every union board of education shall be a corporation by the name of "The Board of Education for (*naming the municipality in which the high school is situated*)", and such corporation shall have all the powers, perform all the duties

and

and be subject to all the obligations of high school and public school boards. R.S.O. 1950, c. 38, s. 18.

(4) If at a meeting of a union board of education specially called for that purpose a majority of all the members of the board vote in favour of the dissolution thereof, the board shall be dissolved on the date fixed for holding the first meeting of a union board in any year next following such vote. Dissolution of union boards

(5) Where a union board of education is dissolved, the members thereof who are high school trustees shall constitute the high school board and shall continue in office for the remainder of the terms for which they were respectively appointed, and the members thereof who are public school trustees shall constitute the public school board and shall continue in office for the remainder of the terms for which they were respectively elected. Trustees to continue in office

(6) Upon the dissolution, all property held or possessed by the union board of education for high school purposes shall forthwith vest in the high school board, and all property held or possessed by the union board of education for public school purposes shall forthwith vest in the public school board, and all property held or possessed by the union board of education at the time of its dissolution partly for high school and partly for public school purposes shall be divided as may be agreed upon by such high school and public school boards at a meeting called for that purpose. Division of property

(7) If no division is made within six months after the dissolution, the division shall be made forthwith by the council of the local municipality in which the high school is situated. R.S.O. 1950, c. 38, s. 19 (1-4). When council to make division

(8) Notwithstanding subsection 5, where the high school district and public school section for which a union board of education has been formed cease to be composed of the same area, the union board of education shall *ipso facto* be dissolved as of the date the district and section cease to be composed of the same area, and the provisions of Part II and of *The Public Schools Act* shall apply with respect to the appointment of high school trustees and the election of public school trustees respectively. 1951, c. 6, s. 2. Automatic dissolution

**62.**—(1) Every board of education having jurisdiction over more than one high school, with the approval of the Minister, may, Special and advanced courses of study in high schools

(a) make such modifications of the school courses provided in the high, industrial, technical and art schools under its jurisdiction as it deems expedient;

(b)

- (b) provide for special or advanced instruction in any of such courses;
- (c) designate such schools, or any of them, English, commercial, technical, industrial, art or classical high schools, according to the course or courses of instruction provided therefor.

Application  
of regula-  
tions

(2) The accommodations and equipment of the school and the qualifications of the staff shall be subject to the regulations. R.S.O. 1950, c. 38, s. 26.

Psychiatrist  
or psycholo-  
gist

(3) Every board of education shall have power to appoint a psychiatrist or a psychologist, to fix his salary and to define his authority. 1951, c. 6, s. 3.

Mileage  
allowance  
and fee for  
attendance  
at meetings

(4) A board of education of a high school district which comprises two or more municipalities or parts thereof may pay to each member a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each member a sum not exceeding \$5 for each of not more than twelve meetings attended by him in any one year. R.S.O. 1950, c. 38, s. 24.

Application  
of Rev. Stat.,  
c. 316, etc.

**63.** The provisions of *The Public Schools Act* and Parts II and III, which are not inconsistent with this Part, shall be read as part of this Part and so far as such provisions are inconsistent with the provisions of this Part they shall not apply to boards of education or union boards of education. R.S.O. 1950, c. 38, s. 28.

## PART V

### GENERAL

Declaring  
schools  
open

**64.—(1)** In a county, the board of a high school district which consists of a city or separated town may by resolution or by-law declare all or any of its high schools open to,

- (a) county pupils of the county in which the district is situated;
- (b) county pupils of an adjoining county;
- (c) resident pupils of any high school district within the county in which the district is situated or within any adjoining county or adjoining territorial district,

and where a resolution or by-law is passed under clause a, may request the council of the county in which the district

is situated to appoint one additional trustee who shall hold office for one year.

(2) The board of a secondary school district in a county, <sup>Idem</sup> other than a high school district which consists of a city or separated town, may by resolution or by-law declare all or any of its continuation or high schools open to,

(a) county pupils of an adjoining county;

(b) resident pupils of any secondary school district within the county or counties in which the district is situated or within any adjoining county or adjoining territorial district.

(3) The board of a secondary school district in a territorial <sup>Idem</sup> district may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any other secondary school district in the territorial district or in an adjoining territorial district or adjoining county.

(4) The board of any high school district may by resolution <sup>Idem</sup> or by-law declare all or any of its vocational schools open to,

(a) county pupils of any county;

(b) resident pupils of any secondary school district.

(5) Where a school is declared open under this section, <sup>Notice</sup> the board shall notify the clerk of the county concerned or the secretary of the board of the secondary school district concerned, as the case may be. 1951, c. 32, s. 3, *amended*.

(6) Where a school is declared open under this section, <sup>Revocation of declaration</sup> the board may, before the 30th day of June in any year, pursuant to a resolution or by-law give notice in writing to the clerk of the county concerned or to the secretary of the board of the secondary school district concerned, as the case may be, that the school or schools will no longer be open to the county or resident pupils, and upon the giving of such notice such county or resident pupils may continue to attend the school or schools only until the expiration of two school years after the 30th day of June in that year. R.S.O. 1950, c. 165, s. 42 (2), cl. (b), *amended*.

**65.**—(1) A secondary school board which has established <sup>Agreements for education at outside schools</sup> one or more secondary schools may enter into an agreement with another secondary school board to provide for the instruction, in the school or schools maintained by the latter board, of resident pupils of the first-mentioned board. R.S.O. 1950, c. 165, s. 30 (1), *amended*.



Idem

(2) The council of a municipality in a territorial district which, or part of which, has not been established as or included in a secondary school district may enter into an agreement with a secondary school board to provide for the instruction, in the school or schools maintained by the board, of the pupils of the municipality or part of the municipality. R.S.O. 1950, c. 66, s. 6 (7), *amended*; 1953, c. 44, s. 1, *part, amended*; R.S.O. 1950, c. 413, s. 13 (6), *amended*.

Admission  
to grade 9

**66.**—(1) Where a pupil has been promoted from grade 8 to grade 9 in the manner prescribed by the regulations, he shall be admitted to grade 9.

Idem

(2) An applicant who has not been promoted from grade 8 to grade 9 in the manner prescribed by the regulations shall be admitted to grade 9 if the principal has satisfied himself that the applicant is competent to undertake the work of that grade.

Admission to  
grades 10-13

(3) An applicant for admission to grade 10, 11, 12 or 13 shall be admitted if the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission.

Reduction  
in grade

(4) Where the principal is not satisfied that an applicant is competent to undertake the work of the grade to which the applicant has applied for admission under subsection 3, he may place him in a lower grade.

Admission  
to evening  
courses

(5) An applicant shall be entitled to enter an evening course of study in a high school if, in the opinion of the principal, after due examination or other investigation, he is competent to take up the desired course, but such admission shall not entitle him to admission to the high school day courses. R.S.O. 1950, c. 165, s. 57; c. 66, s. 11.

Idem

(6) A pupil enrolled in a full-time day course of study in a vocational school shall not be admitted to an evening course of study except with the consent of the vocational school principal. R.S.O. 1950, c. 413, s. 5 (5), *amended*.

Right to  
attend  
school,  
county  
pupils

**67.**—(1) A county pupil has the right to attend any secondary school in the county in respect of which he is a county pupil except a secondary school in a secondary school district which consists of a city or separated town. R.S.O. 1950, c. 165, s. 55 (1), *amended*.

resident  
pupils

(2) A resident pupil of a secondary school district has the right to attend a secondary school in his secondary school district.



(3) Subject to subsections 4, 5 and 6, a county pupil, or <sup>county and</sup> a resident pupil of a secondary school district, has the right <sup>resident</sup> <sup>pupils</sup> to attend any secondary school,

- (a) which is more accessible to the pupil than any secondary school in his own county or secondary school district, as the case may be;
- (b) to take a course of study leading to a type of secondary school graduation diploma that is not available in his own county or secondary school district, as the case may be;
- (c) to take a two-year trade course in grades 9 and 10 of a vocational school if the course is not available in his own county or secondary school district, as the case may be;
- (d) to take a grade 13 subject or subjects not available in his own county or secondary school district, as the case may be, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling;
- (e) to take a course of study which includes the subject of French for French-speaking pupils in grade 9, 10, 11, 12 or 13, not available in his own county or secondary school district, as the case may be, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.

(4) Subsection 3 applies to a county pupil only if,

Restrictions

- (a) the school has been declared open to such pupils; and
- (b) in the case of a high or continuation school, the school is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

(5) Subsection 3 applies to a resident pupil of a secondary <sup>Idem</sup> school district in a county only if,

- (a) the school has been declared open to such pupils; and
- (b) in the case of a high or continuation school, the school is situated in his own county outside of

a city or separated town or is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

Idem

(6) Subsection 3 applies to a resident pupil of a secondary school district in a territorial district only if the inspector of the school certifies that there is adequate accommodation for the pupil in the school. 1952, c. 36, s. 6, *amended*.

Non-resident  
pupils

(7) At its discretion a secondary school board may admit to a school operated by it a pupil who has not the right, under this section, to attend such school. R.S.O. 1950, c. 165, s. 55 (4), *amended*.

County  
pupils,  
cost of  
education

**68.**—(1) The cost of education of county pupils attending a secondary school which they have a right to attend under section 67 shall be provided and paid to the board of the school by the council of the county to the extent, according to the basis, in the manner and at the times set out in this section.

Basis  
and levy

(2) The cost of education of such county pupils shall be determined on the basis of the cost for the preceding calendar year and shall be levied, become due and be paid in any year in respect of the cost of the preceding calendar year.

When  
payable

(3) The amounts payable by the council of the county shall be paid not later than the 1st day of July in the year in which they become due and shall be included in and levied and collected as part of the county rates for that year.

Calculation  
of cost

(4) The cost of education of such county pupils attending a high or continuation school shall be calculated in the following manner:

(a) First, the total gross current expenditures for the calendar year for maintenance of the high or continuation schools under the jurisdiction of the board and for permanent improvements thereof, and for meeting all payments falling due for such year for a sinking fund or principal and interest upon any debentures issued in respect of the schools shall be ascertained.

(b) Second, the total gross revenues for the same calendar year in respect of the schools from legislative grants, fees other than those raised by taxation, rents, donations other than for permanent improvements, and from all other sources except taxation, shall be ascertained.

(c)

(c) Third, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b*, and the resultant amount ascertained after such deduction shall be the net sum upon which the cost of education of such county pupils shall be based and calculated.

(d) Fourth, the perfect aggregate attendance of all pupils at the schools for the preceding calendar year shall be divided into the net sum ascertained as provided in clause *c* and the resultant amount shall be the net cost per pupil-day of all such pupils.

(e) Fifth, the perfect aggregate attendance of all county pupils from the county at the schools during the same calendar year shall be multiplied by the amount of the net cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the net cost of education of such county pupils for which the council of the county shall be liable and pay as provided in subsection 1. R.S.O. 1950, c. 66, s. 8, *amended*; c. 165, ss. 41 (1-3), 42 (1), (2) *part, amended*.

(5) The cost of education of such county pupils attending <sup>Idem</sup> a vocational school shall be calculated in the manner provided in subsection 4 except that the expenditures, revenues and attendance shall be calculated in respect of the vocational schools under the jurisdiction of the board. R.S.O. 1950, c. 413, s. 13 (3) *part*, (4, 5), *amended*.

(6) The cost of education of county pupils to be paid by the council of a county shall be levied as part of the county <sup>Levy for county pupils</sup> rates in the following municipalities and in the following manner:

(a) 50 per cent of the said cost by a levy upon and against the whole rateable property, according to the last revised equalized assessments, of the municipalities or portions of municipalities comprising the part of the county that is not included in any secondary school district; and

(b) the remaining 50 per cent by a levy upon and against the whole rateable property, according to the last revised equalized assessments, of the municipalities or portions of municipalities comprising the part of the county that is not included in any secondary school district and in which the county pupils reside or are assessed or their parents or

guardians

guardians are assessed, in the proportion which the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils. R.S.O. 1950, c. 66, s. 10 (1); c. 165, s. 43 (1, 2); c. 413, s. 13 (3) *part; amended*.

Proviso

(7) Notwithstanding subsection 6, the council of the county may, during the first year of the inclusion in a secondary school district of any municipality or part of a municipality that forms part of the county, levy a portion of the cost of education of the county pupils against the whole rateable property in the municipality or part in the same manner as if the municipality or part were not included in a secondary school district. R.S.O. 1950, c. 165, s. 43 (3), *amended*.

Proviso

(8) Notwithstanding subsection 6, the county levy in respect of county pupils attending continuation schools shall include a levy upon and against the whole rateable property in a continuation school district against which property no levy is made for maintenance of the continuation schools in the continuation school district. R.S.O. 1950, c. 66, s. 10 (2), *amended*.

Where no  
fees  
payable

**69.**—(1) No fees shall be payable by or in respect of,

- (a) a county pupil attending a secondary school which he has a right to attend under section 67;
- (b) a resident pupil of a secondary school district attending a secondary school maintained by the board of the district. R.S.O. 1950, c. 66, s. 6 (1), *amended*; c. 165, s. 54 (1), *amended*.

Fees payable

(2) Where a resident pupil of a secondary school district attends a secondary school pursuant to an agreement under subsection 2 of section 28 or under subsection 1 of section 65 or which he has a right to attend under subsection 3 of section 67, the board of the secondary school district of which he is a resident pupil shall pay fees to the board which operates the secondary school, calculated in accordance with subsection 4 or 5 of section 68, as the case requires, except that legislative grants shall not be deducted as provided in clause c of the said subsection 4. R.S.O. 1950, c. 66, s. 6 (2, 3), *amended*; c. 165, ss. 42 (2) *part*, (3), 54 (2), *amended*; c. 413, s. 13 (8), *amended*.

Idem

(3) Where a pupil attends a secondary school pursuant to an agreement under subsection 2 of section 65, the council of

the



the municipality shall pay fees to the board which operates the secondary school calculated in accordance with subsection 4 or 5 of section 68, as the case requires. 1953, c. 44, s. 1, *part, amended*; R.S.O. 1950, c. 413, s. 13 (7), *amended*.

(4) Where a pupil other than one referred to in subsection 1, <sup>Idem</sup> 2 or 3 attends a secondary school, the board that operates the school may require that such fees as the board may prescribe shall be paid by or on behalf of the pupil, but such fees shall not exceed the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 68, as the case requires. R.S.O. 1950, c. 66, s. 6 (5), *amended*; c. 165, s. 54 (3), *amended*.

(5) Fees payable under this section shall be payable to <sup>Fees payable to treasurer</sup> the treasurer of the board. R.S.O. 1950, c. 165, s. 54 (4).

- (6) Notwithstanding sections 67 and 68, where a pupil, <sup>Limitation on right to attend without payment of fees</sup>
- (a) has completed grade 8; and
  - (b) has attended one or more secondary schools for a total of six or more years,

he shall not be admitted to a secondary school except upon payment of such fees as the board that operates the school may prescribe but such fees shall not exceed the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 68, as the case requires. R.S.O. 1950, c. 66, s. 6 (8), *amended*; c. 165, s. 56, *amended*; c. 413, s. 5 (8), *amended*.

**70.—**(1) A county pupil who applies for admission to any secondary school, or a resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district, shall furnish the principal of the school to which admission is sought with a statement signed by the pupil's parent or guardian stating, <sup>Admission of county pupils and resident pupils from other districts</sup>

- (a) in the case of a county pupil, the name of the county in respect of which he is a county pupil;
- (b) in the case of a resident pupil, the name of the secondary school district in respect of which he is a resident pupil;
- (c) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which



the school is situated, and if so assessed the amount of such assessment;

- (d) the authority, under this Act, under which the pupil claims to have a right to attend the school.

Notice of admission

(2) The principal of the school shall forward the statement to the secretary of the board which operates the school and if the pupil is admitted the secretary of the board shall forthwith notify the clerk of the county of which the pupil is a county pupil or the secretary of the board of the district of which the pupil is a resident pupil, as the case may be, of the fact of the admission and of the information included in the statement. R.S.O. 1950, c. 165, s. 45, *amended*.

Disagreements as to cost of education or fees

**71.—(1) Where,**

- (a) the council of a county and the board of a secondary school district attended by county pupils from the county are unable to agree upon the sum to be paid for the cost of education of such county pupils under section 68;
- (b) the board of a secondary school district and the board of another secondary school district are unable to agree upon the fees to be paid under subsection 2 of section 69; or
- (c) the council of a municipality and the board of a secondary school district are unable to agree upon the fees to be paid under subsection 3 of section 69,

the matter shall be referred to the county judge who shall determine the matter.

Reference and directions

(2) Either party may refer the matter to the judge and he shall give such directions as to the conduct, proceedings and hearing of the reference as he may deem fit.

Filing of documents, etc.

(3) The parties shall file with the judge such financial statements and balance sheets of the affairs of the board providing the instruction, such copies, extracts or information taken from the school registers as to enrolment and attendance of all pupils and of the pupils in respect of whom the cost of education or fees are payable and as to the names and addresses of such pupils and their parents or guardians, and such other statements, accounts, records, books and documents as may appear to the judge to be requisite in order fully and finally to ascertain all matters pertinent to the determination of the cost of education of the county pupils to be paid by the county, the fees to be paid by the

board or the fees to be paid by the municipality, as the case may be.

(4) The costs of the reference to the judge shall be in his discretion and the amount thereof shall be fixed by him and he may order to and by whom and in what manner the costs shall be paid. <sup>Costs of reference</sup> R.S.O. 1950, c. 165, s. 42 (4-6), *amended*.

**72.**—(1) The council of any county may raise, in addition to any sum which it is required to raise by this Act, such further sums as it may deem expedient for the maintenance or permanent improvements of the continuation or high schools situated in the county, but any additional sum so raised shall be by a general county levy and, subject to subsection 2, <sup>Additional county levies</sup>

(a) if the sum is raised for the continuation schools, shall be apportioned among all the continuation schools in proportion to the liability of the county to each board; and

(b) if the sum is raised for the high schools, shall be apportioned among all the high schools in proportion to the liability of the county to each board.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the continuation or high schools in the county without making a similar provision for the other continuation or high schools. <sup>Grants to particular schools</sup>

(3) The council of any municipality which, or any part of which, is included in a secondary school district, in addition to any sum which it is required to raise by this Act, may make grants as it may deem expedient for the maintenance or permanent improvements of the secondary school or schools in the district, or any of them. <sup>Local municipality grants</sup> R.S.O. 1950, c. 66, s. 9 (1, 2); c. 165, s. 51; *amended*.

**73.** The council of united counties may apportion the amount to be levied for the cost of education of county pupils so that each county shall be liable only in respect of its own county pupils. <sup>Apportionment of cost of education in united counties</sup> R.S.O. 1950, c. 66, s. 9 (3); c. 165, s. 53; *amended*.

**74.**—(1) The council of a county may establish a consultative committee which shall consist of the public school inspector or one of them where there are more than one in the county, a person appointed by the Minister, and three other persons appointed by the council. <sup>Consultative committee in county</sup>

## Functions

(2) The council may submit to the committee and direct it to report upon petitions for the establishment of new secondary school districts or the alteration of the boundaries of existing secondary school districts, and may direct the committee to obtain information and make recommendations regarding,

- (a) the desirability of establishing new secondary school districts and the boundaries thereof;
- (b) the retention of existing secondary school districts and the alteration of the boundaries thereof;
- (c) the advisability of continuing or discontinuing existing continuation school districts, or their absorption into high school districts; and
- (d) any other matters affecting secondary school education in the county.

Minister  
may employ  
committee

(3) The Minister may direct the committee to obtain and supply the Department with information upon any question affecting applications for the approval of secondary school districts or of sites or buildings therefor.

Information  
to be  
supplied to  
committee

(4) All secondary school boards having jurisdiction within the county shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident, county and other pupils and of all revenues and expenditures together with any further information which the committee may require concerning matters in any way affecting the provision of secondary school education in the county.

Reports,  
etc., not  
binding

(5) The reports and recommendations of the committee shall not be binding upon the Minister, the county council or any of the secondary school boards having jurisdiction in the county. R.S.O. 1950, c. 165, s. 47, *amended*.

Consult-  
ative com-  
mittee in  
territorial  
district

**75.**—(1) The Minister may establish one or more consultative committees for the purpose of investigating the existing facilities for secondary school education in a territorial district or in any part thereof designated by him, and the committee, subject to subsection 2, shall be composed of such persons appointed by the Minister as he deems proper and may include one or more representatives of any department of the public service of Ontario.

Municipal  
appoint-  
ment

(2) The council of any municipality having a population of 2,000 or more and situated in the territorial district, or part thereof, for which the committee is established may appoint one member of the committee.

(3) The committee shall obtain information and make <sup>Functions</sup> recommendations to the Minister regarding,

- (a) the desirability of establishing new secondary school districts and the boundaries thereof;
- (b) the retention of existing secondary school districts and the alteration of the boundaries thereof;
- (c) the advisability of continuing or discontinuing existing continuation school districts, or their absorption into high school districts; and
- (d) any other matters affecting secondary school education in the territorial district, or part thereof, for which the committee is established.

(4) All secondary school boards and municipal councils <sup>Information to be supplied to committee</sup> having jurisdiction within the territorial district, or part thereof, for which the committee is established shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident and other pupils and of all revenues and expenditures with respect to secondary school education, together with any further information which the committee may require concerning matters in any way affecting the provision of secondary school education in the territorial district or part thereof.

(5) The reports and recommendations of the committee <sup>Reports, etc., not binding</sup> shall not be binding upon the Minister or any school board or municipal council having jurisdiction in the territorial district or part thereof.

(6) The travelling expenses of members of the committee <sup>Travelling expenses</sup> appointed by the Minister shall be paid out of such moneys as may be appropriated therefor by the Legislature.

(7) The travelling expenses of a member of the committee <sup>Idem</sup> appointed by the council of a municipality shall be paid by the municipality. *New.*

**76.** A secondary school board may provide and pay for <sup>Transportation</sup> the transportation of its resident pupils to any secondary school situated in the secondary school district or in any other secondary school district and, subject to the approval of the Minister, of county pupils who attend any school operated by the board, and for that purpose may,

- (a) purchase out of current revenue or by the issue of municipal debentures, a bus or buses or other vehicles; or

(b)

- (b) enter into an agreement with any corporation, commission or person for the transportation of such pupils. R.S.O. 1950, c. 66, s. 3 (3); c. 165, s. 28, cl. (i); *amended*.

Establish-  
ment of  
scholarships,  
etc.

**77.**—(1) Any person may, with the approval of the secondary school board concerned, establish scholarships, bursaries or prizes. R.S.O. 1950, c. 165, s. 36, *amended*.

Idem

(2) A secondary school board may award bursaries or prizes to its pupils under such terms and conditions as the board may deem expedient and prescribe. R.S.O. 1950, c. 165, ss. 37, 38, *amended*.

Repeal

**78.** The following are repealed:

Rev. Stat.,  
c. 38

1. *The Boards of Education Act*.

1951, c. 6

2. *The Boards of Education Amendment Act, 1951*.

1952, c. 6

3. *The Boards of Education Amendment Act, 1952*.

Rev. Stat.,  
c. 66

4. *The Continuation Schools Act*.

1951, c. 14

5. *The Continuation Schools Amendment Act, 1951*.

Rev. Stat.,  
c. 165

6. *The High Schools Act*.

1951, c. 32

7. *The High Schools Amendment Act, 1951*.

1952, c. 36

8. *The High Schools Amendment Act, 1952*.

1953, c. 44

9. *The High Schools Amendment Act, 1953*.

Rev. Stat.,  
c. 413

10. *The Vocational Education Act*.

1951, c. 93

11. *The Vocational Education Amendment Act, 1951*.

1952, c. 111

12. *The Vocational Education Amendment Act, 1952*.

Commence-  
ment

**79.** This Act comes into force on the day it receives Royal Assent.

Short title

**80.** This Act may be cited as *The Secondary Schools and Boards of Education Act, 1954*.



## CHAPTER 88

**An Act to amend  
The Security Transfer Tax Act**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 1 of section 5 of *The Security Transfer Tax Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 352, s. 5,  
subs. 1, cl. a,  
re-enacted

(a) the sale, transfer or assignment of any bond, debenture or share of a debenture stock issued by or guaranteed as to principal and interest by Canada or any province of Canada.

**2.** Section 19 of *The Security Transfer Tax Act* is amended by adding thereto the following clause: Rev. Stat.,  
c. 352, s. 19,  
amended

(dd) providing for the payment of a commission not exceeding 3 per cent to agents of the Treasurer under section 8 who collect the tax in money.

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Security Transfer Tax Amendment Act, 1954*. Short title



## CHAPTER 89

## An Act to amend The Separate Schools Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 26 of *The Separate Schools Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 356, s. 26  
subs. 1,  
re-enacted

(1) A meeting of the supporters of the school for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school. Annual meeting

(1a) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved. Idem

2. Clause *a* of section 29 of *The Separate Schools Act* is repealed. Rev. Stat.,  
c. 356, s. 29,  
cl. a,  
repealed

3. Sections 30 and 31 of *The Separate Schools Act* are repealed. Rev. Stat.,  
c. 356,  
ss. 30, 31,  
repealed

4.—(1) Subsections 1, 2, 3 and 5 of section 45 of *The Separate Schools Act* are repealed. Rev. Stat.,  
c. 356, s. 45  
subss. 1-3, 5,  
repealed

Rev. Stat.,  
c. 356, s. 45,  
subs. 6,  
amended

(2) Subsection 6 of the said section 45 is amended by striking out the words "A majority of the members of the board shall constitute a quorum but" at the commencement thereof, so that the subsection shall read as follows:

Quorum

(6) For the purposes of subsection 8 of section 39, a majority of the trustees remaining in office shall constitute a quorum.

Rev. Stat.,  
c. 356, s. 46,  
cl. e, re-  
enacted

**5.**—(1) Clause *e* of section 46 of *The Separate Schools Act* is repealed and the following substituted therefor:

(e) to acquire or rent school sites and premises and build school buildings.

Rev. Stat.,  
c. 356, s. 46,  
cls. *h, j, l,*  
*n, o, p, r, s,*  
repealed

(2) Clauses *h, j, l, n, o, p, r* and *s* of the said section 46 are repealed.

Rev. Stat.,  
c. 356,  
s. 48, s. 49,  
cl. *f*, ss. 50-55,  
81, 83, 84,  
repealed

**6.** Section 48, clause *f* of section 49 and sections 50 to 55, 81, 83 and 84 of *The Separate Schools Act* are repealed.

Rev. Stat.,  
c. 356, s. 85,  
repealed

**7.** Section 85 of *The Separate Schools Act*, as amended by section 1 of *The Separate Schools Amendment Act, 1953*, is repealed.

Rev. Stat.,  
c. 356,  
ss. 86-99,  
repealed

**8.** Sections 86 to 99 of *The Separate Schools Act* are repealed.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The Separate Schools Amendment Act, 1954*.

## CHAPTER 90

## An Act to amend The Succession Duty Act

*Assented to April 6th, 1954**Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subclause iv of clause *f* of section 1 of *The Succession Duty Act* is repealed and the following substituted therefor: Rev. Stat., c. 378, s. 1, cl. f, subcl. iv, re-enacted

- (iv) any payment during the lifetime of the deceased to any person as a result of the creation of a trust by the deceased, except of such portion of the income paid to such person which is in the same ratio to all the income paid to such person that the amount of the value of the property which by the terms of the trust is or will be paid or transferred to or for the benefit of such person bears to the amount of the value of all the property.

(2) Clause *s* of the said section 1 is amended by inserting after the numeral “viii” in the seventh line the words and numerals “and xii and xiii”, so that the clause shall read as follows: Rev. Stat., c. 378, s. 1, cl. s, amended

- (s) “transmission” means the passing on the death of any person domiciled in Ontario to any person resident or domiciled in Ontario at the date of death of the deceased, of any personal property situate outside Ontario at the date of such death including such of the personal property mentioned in subclauses i to viii and xii and xiii of clause *p* as is situate outside Ontario at such date.

**2.** *The Succession Duty Act* is amended by adding thereto the following section: Rev. Stat., c. 378, amended

- 1a. For the purposes of this Act, the property mentioned in subclauses i to xiii inclusive of clause *p* of section 1 shall be deemed to pass on the death of the deceased and accordingly shall be deemed to be property passing on the death of the deceased or which passes Property passing on the death of deceased, meaning of



on his death in addition to any other property passing on the death of the deceased or which passes on his death.

Rev. Stat.,  
c. 378, s. 49, amended **3.**—(1) Section 49 of *The Succession Duty Act* is amended by adding thereto the following subsection:

Idem (2) Subsection 1 shall not apply where the amount of the premiums mentioned in clause g of subsection 2 of section 6 of *The Succession Duty Act, 1934* is equal to or greater than the amount of the moneys received by the Treasurer mentioned in such clause g.

Application  
of Rev. Stat.,  
c. 378, s. 49,  
subs. 2 1934, c. 55 (2) Subsection 2 of section 49 of *The Succession Duty Act*, as enacted by subsection 1, applies where the deceased died or dies on or after the 31st day of July, 1953, and where the deceased died before that day and the duty in respect of any policy of insurance mentioned in clause g of subsection 1 of section 6 of *The Succession Duty Act, 1934* has been or is based and calculated as if the said subsection 2 was applicable.

Commence-  
ment **4.** This Act comes into force on the day it receives Royal Assent.

Short title **5.** This Act may be cited as *The Succession Duty Amendment Act, 1954*.

CHAPTER 91

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1954, and for the Public Service for the fiscal year ending the 31st day of March, 1955

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by messages from the Honourable Preamble  
Louis Orville Breithaupt, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1954, and for the fiscal year ending the 31st day of March, 1955, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. In addition to the sum of \$368,463,650 granted by *The Supply Act, 1953*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$30,850,000 \$30,850,000 granted for fiscal year 1953-54 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1953, to the 31st day of March, 1954, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such Schedule is based.
2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$370,892,100 \$370,892,100 granted for fiscal year 1954-55 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1954, to the 31st day of March, 1955, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such Schedule is based.

3.

Accounting  
for expen-  
diture

3. The due application of all moneys expended under this Act out of the Consolidated Revenue Fund shall be accounted for to Her Majesty.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Supply Act, 1954*.

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### SCHEDULE A

Education Department.....	\$ 4,350,000
Health Department.....	8,000,000
Highways Department.....	17,500,000
Provincial Treasurer's Department.....	1,000,000

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Total supplementary estimate of expenditure for  
the fiscal year 1953-54.....\$30,850,000

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### SCHEDULE B

Agriculture Department.....	\$ 9,365,000
Attorney-General's Department.....	11,804,500
Education Department.....	77,775,000
Health Department.....	48,773,000
Highways Department.....	111,525,000
Insurance Department.....	190,000
Labour Department.....	12,229,000
Lands and Forests Department.....	13,050,000
Lieutenant-Governor's Office.....	20,000
Mines Department.....	2,122,900
Municipal Affairs Department.....	3,244,500
Planning and Development Department.....	1,184,000
Prime Minister's Office.....	105,000
Provincial Auditor's Office.....	272,700
Provincial Secretary's Department.....	1,355,000
Provincial Treasurer's Department.....	4,807,800
Public Welfare Department.....	27,926,700
Public Works Department.....	35,040,000
Reform Institutions Department.....	8,967,000
Travel and Publicity Department.....	885,000
Miscellaneous.....	250,000

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Total estimate of expenditure for the fiscal year  
1954-55.....\$370,892,100

## CHAPTER 92

## An Act to amend The Surrogate Courts Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 8 of *The Surrogate Courts Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 380, s. 8,  
amended

(2) Where the judge of the surrogate court is not also a Salary judge or junior judge of the county court, the Lieutenant-Governor in Council may fix his salary to be paid out of the Consolidated Revenue Fund.

**2.** This Act shall be deemed to have come into force on the Commence-  
ment 1st day of November, 1953.

**3.** This Act may be cited as *The Surrogate Courts Amend- Short title  
ment Act, 1954.*





CHAPTER 93

**An Act to amend  
The Teachers' Superannuation Act**

*Assented to April 6th, 1954  
Session Prorogued April 6th 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause iv of clause *d* of section 1 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 384, s. 1,  
cl. *d*,  
subcl. iv,  
re-enacted

- (iv) as a teacher in a school or class that is maintained by the Government of Canada or the Government of Ontario, or both, for the instruction of members or former members of Her Majesty's Canadian forces and that is designated by the regulations, where the teacher has elected to come under this Act.

2. Subsection 2 of section 24 of *The Teachers' Superannuation Act* is amended by striking out the figures "15" in the second line and inserting in lieu thereof the word "ten", so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat.,  
c. 384, s. 24,  
subs. 2,  
amended

- (2) The amount of such allowance shall be computed by dividing the amount of his average salary for the last ten years for which he made contributions to the fund by 50 and multiplying the quotient by a number equal to the number of school years for which he has credit in the fund, but not exceeding 35, provided that, Amount

. . . . .

3. Subsection 1 of section 30 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 384, s. 30,  
subs. 1, re-enacted

- (1) Where the medical examination prescribed for admission to the Ontario College of Education or to a teachers' college discloses in a person a mental or Student  
teachers  
with im-  
pairment  
physical

physical impairment, defect or condition that in the opinion of the examiner does not render such person incapable of being employed but might subsequently render him incapable of being employed, the person shall be admitted to the Ontario College of Education or to the teachers' college only after he signs a consent in the prescribed form to have this section apply to him in the event of his becoming employed.

Re-examina-  
tion

- (1a) Any person who has signed a consent under subsection 1 and who has been employed for fourteen or more school years may apply to the Commission for re-examination and if in the opinion of the Commission the re-examination discloses an absence of the mental or physical impairment, defect or condition in respect of which he signed the consent, the Commission may cancel the consent and thereupon this section ceases to apply to him.

Rev. Stat.,  
c. 384, s. 47,  
re-enacted

4. Section 47 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

Second  
refunds,  
subsequent  
employment  
terminating  
before  
April 1st,  
1949

47. A person who withdrew his contributions from the fund and subsequently was employed and ceased to be so employed before the 1st day of April, 1949, is entitled to a refund of an amount equal to the whole of his contributions during such period of subsequent employment together with interest on the total of all the contributions that he has made to the fund at the rate of  $1\frac{1}{2}$  per cent per annum compounded half-yearly from the date of cessation of such subsequent employment to the 31st day of March, 1949, less interest on the amount of his first withdrawal at the rate of  $4\frac{3}{4}$  per cent per annum from the date of his first withdrawal to the 31st day of March, 1949.

Rev. Stat.,  
c. 384, s. 57,  
subs. 1,  
cl. *pp*  
(1953, s. 26,  
c. 103, s. 26,  
subs. 2),  
re-enacted

- 5.—(1) Clause *pp* of subsection 1 of section 57 of *The Teachers' Superannuation Act*, as enacted by subsection 2 of section 26 of *The Teachers' Superannuation Amendment Act*, 1953, is repealed and the following substituted therefor:

- (*pp*) prescribing the conditions under which credit may be given under the Act for any period not exceeding five years of such teaching or inspectorial services performed in a foreign country as the Commission may approve, and prescribing the amount of such credit.

Rev. Stat.,  
c. 384, s. 57,  
subs. 1,  
amended

- (2) Subsection 1 of the said section 57 is amended by adding thereto the following clause:

(*tt*)

- (*tt*) prescribing the conditions under which a refund may be made to a person who establishes credit in the fund under the regulations or who pays money into the fund under the regulations for the purpose of establishing credit, and prescribing the method of determining the amount of such refund.

**6.**—(1) Subsection 3 of section 29 of *The Teachers' Superannuation Amendment Act, 1953* is amended by striking out the figure "6" in the first line and inserting in lieu thereof the figure "5", so that the subsection shall read as follows:

1953,  
c. 103, s. 29,  
subs. 3,  
amended

- (3) Section 5 comes into force on the 1st day of January, 1955. *Idem*

(2) Subsection 1 shall be deemed to have come into force on the 1st day of April, 1953.

Commence-  
ment of  
subs. 1

**7.**—(1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Subclause iv of clause *d* of section 1 of *The Teachers' Superannuation Act*, as re-enacted by section 1 of this Act, and any regulation made under its authority shall be deemed to have come into force on the 1st day of January, 1953. *Idem*

(3) Subsection 2 of section 24 of *The Teachers' Superannuation Act*, as amended by section 2 of this Act, applies to allowances that commence on or after the 1st day of April, 1954. *Idem*

(4) Clause *pp* of subsection 1 of section 57 of *The Teachers' Superannuation Act*, as re-enacted by subsection 1 of section 5 of this Act, shall be deemed to have come into force on the 1st day of April, 1953. *Idem*

**8.** This Act may be cited as *The Teachers' Superannuation Amendment Act, 1954*. *Short title*



## CHAPTER 94

## The Telephone Act, 1954

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpreta-  
tion

- (a) "Authority" means Ontario Telephone Authority established under this Act; *New*.
- (b) "Board" means Ontario Municipal Board;
- (c) "initiating municipality" means a municipality that has established a telephone system under a predecessor of this Act or that has established or proposes to establish a telephone system under this Act; R.S.O. 1950, c. 387, s. 1, cls. (a, e).
- (d) "plant" means the buildings, works, apparatus, and equipment, including vehicles, used in the operation of a telephone system;
- (e) "rate" means any rental or charge for supplying telephone exchange service and all services associated therewith; *New*.
- (f) "subscriber", for the purposes of Part II, means a landowner who has signed a petition to the council of a municipality praying for the establishment or extension of a telephone system which is afterwards established or extended pursuant to the petition, or upon whose property an annual rate is or may be levied and collected for the purpose of paying the cost of establishing and maintaining the system or the extension or any reconstruction, replacement or alteration of the system or any part thereof, and also means a person who being a subscriber as defined above has fully paid all annual rates in respect of the establishment of the system or of its extension and the cost of maintenance during the period for

which



which debentures have been issued to pay the cost of the establishment or extension and who continues thereafter to take telephone service from the system on the basis of paying such charges therefor as are approved; R.S.O. 1950, c. 387, s. 1, cl. (h).

- (g) "toll" means any charge, other than a rate, for the transmission of telephone messages. R.S.O. 1950, c. 387, s. 1, cl. (j), *amended*.

## PART I

### TELEPHONE SYSTEMS OPERATED AS PUBLIC UTILITIES

Establishment and operation of telephone system as public utility

**2.** Any municipality may establish and carry on a telephone system as a public utility and for the purposes of such system may construct, maintain and operate in, over, under, upon or across the highways, lanes, parks, squares and other public ways, passages and places in the municipality, or in, over, under, upon or across the land of any person therein, an underground or overhead or partly underground and partly overhead telephone plant and do all things necessary or convenient for that purpose including the issue of debentures to meet the cost of the same. R.S.O. 1950, c. 387, s. 2 (1).

Acquisition of existing systems

**3.** A municipality may for the purpose of establishing or carrying on a telephone system as a public utility acquire, by purchase or lease, or, subject to the provisions of Part II in that behalf, may expropriate any system in the municipality. R.S.O. 1950, c. 387, s. 3, *amended*.

Debentures of acquired system to be paid by municipality

**4.** Where a telephone system established under Part II is acquired by a municipality under section 3, the debentures theretofore issued under Part II and then outstanding and unpaid cease to be a charge upon the lands of the respective subscribers or any of them and the same as they mature and fall due and the interest upon them become a first charge against the revenues of the system, and in the event of such revenues being insufficient in any one or more years they shall be met and paid by a special rate to be imposed by the municipality upon all the rateable property in the municipality. R.S.O. 1950, c. 387, s. 4, *amended*.

Debentures, assent of electors

**5.** No by-law authorizing the issue of debentures and no by-law authorizing the assumption of any outstanding debentures issued in respect of a telephone system established under Part II may be passed by the council of a municipality in the exercise of the powers conferred by section 2, 3 or 4 until the approval of the Board has first been obtained and is not valid until it has received the assent of the electors qualified to vote on money by-laws as required by *The Municipal Act*. R.S.O. 1950, c. 387, s. 2 (2), *amended*.

Rev. Stat., c. 243

6. Where parts of a building in the municipality are owned or occupied by different persons, the municipality may carry wires to any part of such building, and for that purpose may pass over or through or under the property belonging to any owner or in the possession of any tenant or occupant. R.S.O. 1950, c. 387, s. 5. Right of passage

7. Parts III and IV of *The Public Utilities Act* apply *mutatis mutandis* to a municipality establishing and carrying on a telephone system as a public utility, and the expression "public utility" where it occurs in those Parts includes a telephone system. R.S.O. 1950, c. 387, s. 6. Parts III and IV of Rev. Stat., c. 320 to apply

8.—(1) Where a municipality has heretofore constructed, purchased or acquired or hereafter constructs, purchases or acquires a telephone system under this Part or where it has undertaken the construction, purchase or acquisition of such a system, and it appears that the cost of the construction, purchase or acquisition has exceeded or will exceed the amount already provided for that purpose or where it is deemed expedient by the council of the municipality to construct an extension or an improvement of the system, the council may with the approval of the Board pass a by-law for borrowing such further or other sum as may be necessary to complete, extend or improve the system or for the purchase or acquisition of the system or to meet the cost of any extension or improvement already made to the system. R.S.O. 1950, c. 387, s. 7 (1), *amended*. Borrowing money for extension or acquisition

(2) The by-law does not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Board. Where assent of electors not required

(3) Such approval may be given if it is shown to the satisfaction of the Board that the expenditure proposed to be made for any such extension or improvement, or for the completion of the system or the purchase or acquisition is necessary and that sufficient revenue or sufficient additional revenue will be derived therefrom to meet the annual payments in respect of the debt and the interest thereon or where it is made to appear to the Board that the net revenue to be derived from the system justifies the construction of such extension or improvement. R.S.O. 1950, c. 387, s. 7 (2, 3). Where approval may be given

9. Sections 17, 18, 19, 28, 29, 30, 31, 37, 55, 56, 57, 58, 59 and 61 and Parts V and VI of this Act apply *mutatis mutandis* to a municipality carrying on a telephone system as a public utility. R.S.O. 1950, c. 387, s. 8. Application of other provisions

## PART II

## MUNICIPAL TELEPHONE SYSTEMS

*Establishment and Extension*

Petition  
for estab-  
lishment of  
system

**10.** A petition signed by not less than ten assessed landowners may be presented to the council of a local municipality praying for the establishment of a telephone system. R.S.O. 1950, c. 387, s. 10.

Petition  
for extension  
of system

**11.** A petition signed by one or more assessed landowners may be presented to the council of a local municipality in which a telephone system has been established praying for an extension of the system so as to serve his or their premises, as the case may be. R.S.O. 1950, c. 387, s. 11.

Particulars  
to be  
stated in  
petition;  
removal  
of names  
from petition

**12.** A petition under section 10 or 11 shall set forth such particulars as the Authority may require, and a signature after being affixed to the petition shall not be removed therefrom except with the approval of the Authority, but no application for such approval shall be considered by the Authority after the lapse of six months from the date of the passing of the by-law for the establishment of the telephone system or, in the case of a petition for an extension to the system, after the lapse of six months from the date upon which the signature was affixed to the petition. R.S.O. 1950, c. 387, s. 12, *amended*.

Adding  
signatures  
to petition  
after pre-  
sentation  
to council

**13.** Where the petition for the establishment or extension of a telephone system prays that debentures of the initiating municipality be issued to pay the cost of the work, any additional landowner may, with the permission of the council or of the commissioners, as the case may be, at any time before the passage of the debenture by-law, affix his signature to the petition, and thereupon and thereafter the additional landowner has all the rights and is subject to all the obligations of the original signatories to the petition. R.S.O. 1950, c. 387, s. 13.

Petition to  
constitute  
a contract

**14.** The petition constitutes a valid and binding contract on the part of each person signing it to repay to the initiating municipality his share of the cost of establishing or extending the telephone system, as the case may be, and operating and maintaining the system. R.S.O. 1950, c. 387, s. 14.

By-law for  
estab-  
lish-  
ment of  
system

**15.** Upon the receipt of a petition praying for the establishment of a telephone system, the council of the initiating municipality may by by-law, at the expense of the subscribers and subject to such conditions as may be set forth in the

by-law,

by-law, provide for the establishment of the system and for the maintenance and operation of the system. R.S.O. 1950, c. 387, s. 15.

**16.** After the establishment of a telephone system, the initiating municipality may from time to time, upon the receipt of a petition praying for an extension of the system, construct any extension that seems expedient and necessary in order to supply telephone service to the petitioners. R.S.O. 1950, c. 387, s. 16.

**17.** The council of the initiating municipality or the commissioners, as the case may be, may from time to time extend the telephone system into another municipality with the consent of the council of such other municipality, or, without such consent, with the approval of the Authority. R.S.O. 1950, c. 387, s. 17, *amended*.

**18.** Subject to section 63, the council of the initiating municipality or the commissioners, as the case may be, may, with the consent of the Authority, extend the telephone system into territory without municipal organization, and the part of such territory into which the system is extended, to be defined by the Authority, shall, for the purposes of this Act, be deemed to be annexed to the initiating municipality, and the council and officers thereof shall levy and collect all rates and tolls under this Act and do all acts and perform all duties and be subject to the same liabilities in respect of such part as, for the purposes of this Act, they may do, perform and are subject to with respect to the initiating municipality. R.S.O. 1950, c. 387, s. 18, *amended*.

**19.**—(1) The initiating municipality, before proceeding to establish a telephone system, shall furnish to the Authority a certified copy of the by-law providing for the establishment of the system, together with such plans, particulars of the cost of the work, and such other information as the Authority may require, and no debt shall be incurred for the construction of the system or for the purchase of material to be used in the construction of its plant until the Board with the consent of the Authority has approved the by-law.

(2) The by-law may provide in general terms for the making of extensions to the system from time to time thereafter, and upon the receipt of a petition for an extension the initiating municipality may from time to time construct the extension, and if any such extension requires the issue of debentures the by-law authorizing the issue shall recite the making of the extension, and shall adopt and confirm the same. R.S.O. 1950, c. 387, s. 19.



Location of  
exchange

**20.** The council of the initiating municipality or the commissioners, as the case may be, shall, with the approval of the Authority, determine the location of any exchange or switchboard of the telephone system, and any relocation of the same. R.S.O. 1950, c. 387, s. 20, *amended*.

Ownership  
of system

**21.** A telephone system established or extended under this Part is vested in the initiating municipality in trust for the benefit of the subscribers, and such municipality is liable for all the obligations of the system and has and may exercise all or any of the powers conferred on a municipality by Part I. R.S.O. 1950, c. 387, s. 22.

Sale of  
system  
or part

**22.—(1)** Subject to the approval of a majority of the subscribers present in person or represented by proxy at a general meeting of the subscribers called for the purpose and subject to the approval of the Authority, the council of an initiating municipality in which a telephone system established under this Part is vested may by by-law provide for the sale or other disposition of the whole or any part of the system.

Use of  
proceeds  
to discharge  
debts

**(2)** The proceeds of the sale or other disposition shall be applied and used in payment of the outstanding debenture debt and other indebtedness and liabilities incurred with respect to the system. R.S.O. 1950, c. 387, s. 23 (1, 2), *amended*.

Where  
deficiency  
occurs

**(3)** Where the assets of the system and the proceeds of the sale or other disposition of the whole or the part of the system are not sufficient to meet any outstanding debenture debt and other indebtedness and liabilities incurred with respect to the system, the deficiency shall be paid out of the general funds of the initiating municipality and the amount so paid shall constitute a debt due in equal shares from the subscribers to the initiating municipality and may be collected in the same manner as any other debt due by the subscribers under this Act. *New*.

Disposition  
of surplus

**(4)** The proceeds of the sale or other disposition not required for the purposes mentioned in subsection 2 shall,

**(a)** in the case of a sale or other disposition of part only of the system, belong to the system and be applied and used according to the directions of the council of the municipality or the commissioners, as the case may be; and

**(b)** in the case of a sale or other disposition of the whole of the system, belong to the subscribers and be distributed among them in such manner and on such basis having regard to their separate interests as the Authority may direct.



(5) Where from absence or loss of records or other cause <sup>Where subscribers are unknown</sup> the council of the initiating municipality is unable to ascertain who the subscribers are and is therefore unable to obtain their approval to a sale or other disposition of the whole or a part of the system, the Authority, upon proof of the fact and upon proof that the assets of the system and the proceeds of the sale or other disposition of the whole or part of the system will be sufficient to meet any outstanding debenture debt and other indebtedness and liabilities incurred with respect to the system, may authorize the sale or other disposition, notwithstanding the absence of such approval, and the proceeds of the sale or other disposition not required for the purposes mentioned in subsection 2 shall,

- (a) in the case of a sale or other disposition of part only of the system, belong to the system and be applied and used according to the directions of the council of the municipality or the commissioners, as the case may be; and
- (b) in the case of a sale or other disposition of the whole of the system, be held, applied, used, distributed and disposed of in accordance with the directions of the Authority. R.S.O. 1950, c. 387, s. 23 (3, 4), *amended*.

### *Borrowing Powers and Debentures*

**23.—**(1) Where the subscribers or a majority of them, in <sup>Issuing debentures for cost of work</sup> the petition for the establishment or extension of the telephone system, pray that the payment of the cost of the work be extended over a period not exceeding twenty years and that debentures of the initiating municipality be issued to pay the cost of the work, the council of the initiating municipality in the by-law providing for the establishment or extension of the system, or in a subsequent by-law, may provide for the issue of debentures payable within a period not exceeding twenty years from the date of the issue thereof and that the proceeds of the debentures shall be applied in payment of the cost of establishing or extending the system, as the case may be, and for levying a special rate upon the property of the subscribers sufficient to discharge the debt so incurred in equal annual instalments of principal and interest. R.S.O. 1950, c. 387, s. 24, *amended*.

(2) The debentures shall be issued on the credit of the initiating municipality, and it is not necessary that the by-law authorizing their issue be submitted for the assent of the electors, but no such by-law shall be passed for any of the purposes of this section until the approval of the Board has first been obtained. R.S.O. 1950, c. 387, s. 25, *amended*.

Agreement  
for  
advances

**24.** The initiating municipality may, subject to subsection 1 of section 19 and subsection 2 of section 23, agree with any person for temporary advances to meet the cost of the work until the completion thereof and may then pass the necessary by-law authorizing the issue of debentures out of the proceeds of which the temporary advances shall be paid, but the by-law for the issue of debentures shall be passed not later than two years after the passing of the by-law for the establishment or extension of the telephone system, as the case may be, and the debentures shall be issued within twelve months after the passing of the by-law authorizing the issue of the debentures, but the Board may extend beyond two years the period within which the by-law for the issuing of debentures may be passed and may extend beyond twelve months the period within which the debentures may be issued, and such extension of time may be granted although the application therefor is not made until after the expiration of such period of two years or twelve months, and in such case the by-law may be passed or the debentures issued within the extended time. R.S.O. 1950, c. 387, s. 26, *amended*.

Reconstruction,  
replacement  
or alteration  
of system

**25.—(1)** Where in the opinion of the council of the initiating municipality or the commissioners, as the case may be, it is necessary or expedient to reconstruct, replace or alter the telephone system or any part thereof and to issue debentures of the initiating municipality to meet the cost thereof, the council of the initiating municipality may, with the prior consent of the Authority and the prior approval of the Board and without a petition from the subscribers or any of them, pass a by-law authorizing the doing of the work and the issuing of debentures for that purpose, and it is not necessary that the by-law be submitted for the assent of the electors. R.S.O. 1950, c. 387, s. 28 (1), *amended*.

Costs,  
how paid

**(2)** The Board shall determine the period within which the debentures to be issued shall be made payable and the landowners who shall defray the cost of such reconstruction, replacement or alteration, and the lands upon and in respect of which the special rate shall be levied to discharge the debenture debt so incurred, with interest.

Provisions  
of Act  
to apply

**(3)** The provisions of this Act as to debentures apply to debentures issued under this section. R.S.O. 1950, c. 387, s. 28 (2, 3).

Approval  
of Board  
to extensions  
for persons  
not assessed  
as land-  
owners.

**26.** The initiating municipality may, with the prior approval of the Board and without obtaining the assent of the electors, pass by-laws authorizing the issue of debentures to meet the cost of making an extension or extensions to the telephone system for the purpose of furnishing telephone service to persons who are not landowners, but before approving of any such by-law the Board shall be satisfied that such

extension

extension or extensions is or are necessary and that a sufficient additional revenue will be derived therefrom to meet the annual payments of principal and interest in respect of the debt created by the issue of such debentures or that the net revenue derived from the system justifies the construction of such extension or extensions. R.S.O. 1950, c. 387, s. 29, *amended*.

**27.** Where an initiating municipality has been ordered by the Board or is hereafter ordered by the Authority to construct works under this Act, such works shall be deemed to be an extension of the telephone system of such municipality and the council of the initiating municipality has and may exercise in respect of such works the like powers as are vested in the council by this Act in respect of the construction of an extension of a system and the issue of debentures to meet the cost thereof, and such powers may be exercised without a petition from the subscribers to the system or any of them. R.S.O. 1950, c. 387, s. 30, *amended*.

Works ordered to be deemed extension of system

### *Purchase and Expropriation of Telephone Systems*

**28.** An initiating municipality may, with the consent of the Authority and the approval of the Board, by agreement with the owner acquire by purchase all or any part of any existing telephone system in the municipality or any part of such system in another municipality with the consent of the council of such other municipality, and failing such consent, with the approval of the Authority. R.S.O. 1950, c. 387, s. 32, *amended*.

Purchase by municipality of existing system

**29.**—(1) For the establishment or extension of a telephone system or to avoid duplication of systems or any part thereof, an initiating municipality may offer to purchase at a fixed price a telephone system or any part thereof, and if the owner does not accept the price so offered within one month from the date of the offer the initiating municipality may, with the consent of the Authority and the approval of the Board, expropriate the system or the part thereof which it offered to purchase and the compensation to be made upon such expropriation shall be determined by the Authority. R.S.O. 1950, c. 387, s. 33, *amended*.

Acquisition of system by agreement or expropriation

(2) In fixing the price to be offered or the compensation to be made where part only of a system is proposed to be purchased or is expropriated, there shall be included in the price or compensation, as the case may be, a sum sufficient to compensate the owner of the system for any damage directly resulting from the severance. R.S.O. 1950, c. 387, s. 34.

Damage resulting from severance

**30.** Where a municipality owning and operating or intending to own and operate a telephone system has taken proceedings

Arbitration by Authority where parties fail to agree

ings

ings under this Act to acquire a part of the system of a municipality operating in the first-named municipality or in an adjoining municipality and the parties are unable to agree upon the price to be paid therefor, the Authority may prohibit further proceedings or may approve the acquisition and settle the terms and conditions thereof including the price to be paid and all other matters proper to be taken into consideration. R.S.O. 1950, c. 387, s. 35, *amended*.

Powers of council to borrow money and to issue debentures

**31.** Where the council of an initiating municipality acquires by purchase or expropriation an existing telephone system or part thereof, the powers vested by this Act in the council of the initiating municipality as to borrowing by way of temporary advances and in respect of the issue of debentures for the establishment or extension of a system may be exercised by the council of the initiating municipality for the purpose of defraying the cost of such purchase. R.S.O. 1950, c. 387, s. 36.

#### *Cost of Establishment, Extension and Maintenance*

Liability of subscribers

**32.** The cost of establishing a telephone system or of an extension thereto shall be defrayed by the subscribers whose signatures are affixed to the petition for such establishment or extension in equal proportions or in such other proportions as may be fixed by the council of the initiating municipality with the approval of the Authority, and in case of default in payment by any subscriber of the amount so fixed the same may be collected as an ordinary debt by action against the person liable therefor or may be added to the collector's roll as taxes due from him and may be collected in the same manner as other taxes. R.S.O. 1950, c. 387, s. 37, *amended*.

Special rate a charge on land

**33.—(1)** Where the subscribers have prayed that debentures of the initiating municipality be issued to pay the cost of the work, the special rates assessed against the land of a subscriber are a charge upon the land designated by the subscriber in the petition for the establishment or extension of a telephone system (and being land owned by the subscriber when he signed the petition), and shall, notwithstanding a change in the ownership of the land, continue to be a charge thereon until such rates have been fully paid, and such rates may, as they become payable, be collected as an ordinary debt by action against the person liable therefor or may be placed upon the collector's roll against the land as taxes due from the owner of the land and may be collected in the same manner as other taxes, and this section applies to all such rates heretofore and hereafter assessed against any lands under this Act or any predecessor of this Act. R.S.O. 1950, c. 387, s. 38, *amended*.



(2) Where land is liable to be specially assessed to meet the cost of the work, any subscriber may commute, for a payment in cash, the special rates assessable against his land forthwith after the actual cost of the work and the proportion of the cost payable by him have been ascertained. R.S.O. 1950, c. 387, s. 39.

Commuta-  
tion of  
special rate

**34.**—(1) The cost of maintenance of a telephone system shall be defrayed by the subscribers in equal proportions or in such other proportions as may be fixed by the council of the initiating municipality and approved by the Authority and is a charge on the lands of the subscribers apportioned as above, and may be collected in the same manner and with the same remedies as the cost of the establishment or extension of a system or as any special rate assessed against the land of a subscriber in respect of such cost.

Cost of  
maintenance

(2) Any tolls or moneys paid by the initiating municipality to any other system for telephone service furnished by such system to any subscriber of the initiating municipality are a charge upon the land of the subscriber and may be collected by the initiating municipality in the same manner and by the same remedies as the cost of the maintenance of a system. R.S.O. 1950, c. 387, s. 40, *amended*.

Collection  
of tolls paid  
to other  
systems for  
subscribers

**35.** Where debentures have been issued to meet the cost of establishing or extending a telephone system, the instalments of principal and interest in repayment of which debentures are a charge upon the land of a subscriber whose name is set out in the schedule to the by-law providing for the issue of such debentures and the period for which such debentures have been issued has or has not expired, any such subscriber who has fully paid his share of all instalments of principal and interest due or to become due, as the case may be, under the by-law together with all other charges payable by him in respect of the system, including his proportionate part of any debt from the subscribers to the initiating municipality arising under section 25 or 36 for which he may be liable, is thereafter released and discharged from all liability in respect of the system, except any liability which may arise under any further or other contract made by him or by reason of his continuing to take telephone service or of such service being reinstated upon his premises. R.S.O. 1950, c. 387, s. 41, *amended*.

Release of  
subscribers  
from liability

**36.** If the amount collected from the subscribers together with any other revenue derived from the operation of the telephone system is insufficient in any year to meet the instalment of principal and interest falling due and the cost of maintenance, the deficiency shall be paid out of the general funds of the initiating municipality, and the amount so paid constitutes a debt due from the subscribers to the initiating

Deficiency  
in any year,  
how made up



municipality and may be collected in the same manner as any other debt due by subscribers under this Act. R.S.O. 1950, c. 387, s. 42.

Validity  
of rate

**37.** In the event of a question arising as to the validity of any special rate levied under this Act, the same shall be determined by the Authority on an application to it for that purpose. R.S.O. 1950, c. 387, s. 45, *amended*.

Prescribing  
terms of  
connection

**38.** The council of the initiating municipality or the commissioners, as the case may be, may prescribe the terms on which a person not being a subscriber may have his premises connected with the telephone system and the rate at which he may receive telephone service, and any such rate which heretofore has been approved by the Board or may hereafter be approved by the Authority may be collected in the same manner and with the like remedies as a rate due and unpaid by a subscriber, but such rate does not<sup>e</sup> become a charge against land. R.S.O. 1950, c. 387, s. 46, *amended*.

#### *Telephone Commissioners*

Council to  
manage  
system

**39.** Until the control and management of a telephone system is placed under commissioners, the system is under the control and management of the council of the initiating municipality. R.S.O. 1950, c. 387, s. 47.

Petition  
for manage-  
ment by  
commis-  
sioners

**40.**—(1) Upon the petition of a majority of the subscribers, the council of the initiating municipality shall place the telephone system under the control and management of commissioners to be designated "The Commissioners for the Telephone System of the Municipality of.....", a majority of whom may exercise all the powers of the commissioners. R.S.O. 1950, c. 387, s. 48, *amended*.

System in  
one muni-  
cipality only

(2) Where the system is in the initiating municipality only, there shall be three or five commissioners as a petition specifies.

System in  
more than  
one muni-  
cipality

(3) Where the system extends into one or more other municipalities, there shall be such odd number of commissioners, more than three, as a petition specifies. *New*.

Election  
of commis-  
sioners

**41.** Except as authorized under clause *d* of section 46, the commissioners shall be elected each year at the annual general meeting of the subscribers or at a general meeting called for the purpose, and the commissioners shall hold office until their successors are elected. R.S.O. 1950, c. 387, s. 49.

Only a sub-  
scriber may  
be a com-  
missioner

**42.**—(1) No person is eligible for election as a commissioner unless he is a subscriber to the telephone system. R.S.O. 1950, c. 387, s. 50.

(2) No assessor, collector, treasurer, clerk, auditor or member, other than the head, of the council of a municipality is eligible to be elected a commissioner. R.S.O. 1950, c. 387, s. 51 (1), *amended*. Disqualification for office of commissioner

**43.** Where a vacancy in the office of commissioner occurs from resignation, death or incapacity to act, the council of the initiating municipality shall immediately appoint a successor who shall hold office for the remainder of the term for which his predecessor was elected or appointed. R.S.O. 1950, c. 387, s. 52, *amended*. Filling vacancy in office of commissioner

**44.—**(1) Upon the election of the commissioners, the control and management of the telephone system is vested in the commissioners and all the provisions of this Act relative to the initiating municipality and the council thereof in respect of the system, except in so far as they or any of them are by this Act expressly excepted, are applicable to the commissioners. R.S.O. 1950, c. 387, s. 53. Powers of commissioners

(2) The election of the commissioners does not affect the ownership of the system, nor the authority and duty of the initiating municipality to provide from time to time all moneys required for the establishment and maintenance of the system and any extension thereof, nor the right of the initiating municipality to levy and collect all moneys and special rates which may be due and owing from time to time by the subscribers. R.S.O. 1950, c. 387, s. 55, *amended*. Ownership of system and duties of initiating municipality

**45.** The commissioners may require the secretary or any other officer of the telephone system to give such security as they may require for the faithful performance of his duties and for the accounting for and paying over of all moneys which come into his possession or control. R.S.O. 1950, c. 387, s. 56. Security to be given by secretary etc.

**46.** The commissioners may pass by-laws to provide for and regulate, By-laws

- (a) the time and place at which meetings of subscribers shall be held and the manner of calling and the procedure at meetings;
- (b) the manner of election, duties and remuneration of the commissioners;
- (c) the control and management of the system;
- (d) the term of office of the commissioners by extending the term to three years so that at the first election of commissioners for a term of three years one or more of them shall hold office for a term of one year

only,

only, one or more of them for a term of two years and the remaining one or more for a term of three years;

but such by-laws shall not come into force until approved by the Authority and confirmed at a general meeting of the subscribers called for the purpose or at the next annual meeting of the subscribers. R.S.O. 1950, c. 387, s. 57, *amended*.

Assumption  
of control  
of system  
by council

**47.** Upon the petition of a majority of the subscribers of a telephone system praying that the council of the initiating municipality take over the control and management of the system, the council shall pass a by-law for that purpose, and thereupon the commissioners shall hand over to the council or some official designated by it, all the property of the system including all moneys, vouchers, books, papers, documents and memoranda relating to the system, and thereafter the control and management of the system is vested in the initiating municipality and the council thereof. R.S.O. 1950, c. 387, s. 58, *amended*.

#### *Meetings of Subscribers*

Annual  
meeting

**48.** Every telephone system established under this Part shall hold a general meeting of its subscribers in each year not later than the 1st day of April, or at such time later in each year as may be approved by the Authority. R.S.O. 1950, c. 387, s. 59, *amended*.

Financial  
statement  
to be sent  
to sub-  
scribers

**49.**—(1) Not less than ten days before the day fixed for holding the annual general meeting, a financial statement shall be sent by first-class prepaid post or delivered to each subscriber, to each member of the council of the initiating municipality and to the Authority containing,

- (a) a balance sheet showing in sufficient detail the assets and liabilities of the system as of the 31st day of December last past;
- (b) a statement of the income and expenditure of the system for the financial year ending on the 31st day of December last past;
- (c) a copy of the report of the auditor or auditors for the year ending on the 31st day of December last past;
- (d) such other information respecting the system as the by-laws may require or the Authority may prescribe. R.S.O. 1950, c. 387, s. 60.

Statement  
to be  
submitted  
to meeting

(2) The financial statement mentioned in subsection 1 shall be submitted to the subscribers at the annual general meeting. R.S.O. 1950, c. 387, s. 61.

**50.**—(1) In default of other express provision in the by-laws of the telephone system, notice of the time and place of holding any general meeting of the subscribers shall be given at least ten days before the meeting by first-class prepaid post or by delivery to each subscriber and to each member of the council of the initiating municipality. R.S.O. 1950, c. 387, ss. 62, 63, *amended*. Notice

(2) Notices calling a general meeting of the subscribers and the financial statement shall be sent by the commissioners or by their secretary or other officer, and where the system is under the control and management of the council, by the clerk of the initiating municipality. R.S.O. 1950, c. 387, s. 64. By whom notices to be sent

(3) The notice calling a general meeting of the subscribers shall state the business which is to be transacted at it. R.S.O. 1950, c. 387, s. 65. Business to be stated

**51.**—(1) Upon receipt of a requisition in writing, signed by not less than one-tenth of the subscribers, setting forth the objects of the proposed meeting, the commissioners, by their secretary or other officer, or where the telephone system is under the control and management of the council, the clerk of the initiating municipality, shall forthwith call a general meeting of the subscribers for the transaction of the business mentioned in the requisition. R.S.O. 1950, c. 387, s. 66. General meeting called on requisition

(2) If the meeting is not called and held within twenty-one days from the date upon which the requisition was sent or delivered to the chairman or secretary of the commissioners or to the clerk of the initiating municipality, as the case may be, one-tenth of the subscribers, whether they signed the requisition or not, may themselves by notice as provided in section 50, call a general meeting of the subscribers for the transaction of such business. R.S.O. 1950, c. 387, s. 67. General meeting called by subscribers

**52.** The council of the initiating municipality, or the commissioners, as the case may be, may of their own motion call a general meeting of the subscribers for the transaction of any business. R.S.O. 1950, c. 387, s. 68. General meeting called by council, etc.

**53.** No person is entitled to vote at a general meeting unless he is a subscriber to the telephone system, but any member of the council of the initiating municipality may attend any general meeting and take part in the deliberations thereat, but shall not vote. R.S.O. 1950, c. 387, s. 69. Who may vote at general meeting

**54.** The presence in person or by proxy of at least one-fourth of all the subscribers, or the presence in person of at least one-tenth of all the subscribers, is necessary to constitute Quorum, proxies



a quorum at a general meeting of the subscribers, and the instrument appointing a proxy shall be in writing under the hand of the appointer, or if such appointer is a corporation, under its seal, and shall be attested by at least one witness, and no person shall be appointed a proxy who is not a subscriber. R.S.O. 1950, c. 387, s. 70, *amended*.

### *Duties and Remuneration of Municipal Officials*

Duties of  
municipal  
officials of  
initiating  
municipality

**55.** Where a telephone system is under the control and management of the initiating municipality, the several officials of the municipality in their respective offices shall do and perform all acts, matters and things herein on their part respectively directed to be done and performed in respect of the system, and where the system is under the control and management of commissioners, the several officials respectively shall do and perform the acts, matters and things in like manner unless relieved therefrom by the commissioners. R.S.O. 1950, c. 387, s. 71.

Duties of  
municipal  
officials of  
initiating  
and other  
muni-  
cipalities

**56.** Where a telephone system extends into a municipality other than the initiating municipality, the clerk of the initiating municipality shall forthwith after its passing transmit to the clerk of the other municipality a certified copy of every debenture by-law charging with a rate the premises of any subscriber situate in the other municipality, and shall also in any year, when so required by the initiating municipality or the commissioners, as the case may be, transmit to the clerk of the other municipality the amount in respect of the debentures and the cost of maintenance payable by each such subscriber and the same shall be placed on the collector's roll of the other municipality and shall be collected in the same manner as municipal taxes, and paid over to the treasurer of the initiating municipality. R.S.O. 1950, c. 387, s. 72, *amended*.

Remunera-  
tion

**57.** The initiating municipality, or the commissioners, as the case may be, shall pay to the clerk, treasurer and collector of the municipality respectively, and to the clerk, treasurer and collector respectively of any other municipality into which its telephone system extends, a reasonable remuneration for the services performed by them or any of them under this Act, and such remuneration shall be fixed by agreement between the official performing the service and the council of the municipality or the commissioners, as the case may be, and failing agreement, by the Authority, on an application to it for that purpose. R.S.O. 1950, c. 387, s. 73, *amended*.

Penalties  
for breach  
of duties by  
municipal  
officials

**58.** The clerk, treasurer or collector of any municipality failing or neglecting to do and perform any act, matter or thing required of him by this Act or by order of the Authority directed to be done and performed by them respectively is



guilty of an offence and on summary conviction is liable to a penalty of not more than \$100. R.S.O. 1950, c. 387, s. 74, *amended*.

### *Books*

**59.**—(1) The council of the initiating municipality or the commissioners, as the case may be, shall cause proper books of account to be kept containing full and true statements of, <sup>Books to be kept</sup>

- (a) the financial transactions of the system;
- (b) the assets of the system;
- (c) the sums of money received and expended in respect of the system and the matters in respect of which such receipt and expenditure took place;
- (d) the credits and liabilities of the system,

and a book or books containing minutes of all the proceedings and votes at meetings of the council or of the commissioners and subscribers, respectively, verified by the signature of the head of the council, the chairman of the commissioners or other presiding officer, as the case may be.

(2) All moneys received in respect of the system shall be deposited forthwith in a chartered bank in an account in the name of the system and all expenditures in respect of the system shall be paid by cheque drawn upon such account signed by the head of the council and treasurer of the initiating municipality or such other two signing officers as the council may appoint, or where the system is under the control and management of commissioners, by the chairman and treasurer or such other two signing officers as the commissioners may appoint. R.S.O. 1950, c. 387, s. 75, *amended*. <sup>Deposit and withdrawal of moneys</sup>

### *Audit*

**60.** The accounts and transactions of the telephone system shall be audited at least once in every year by the municipal auditor or auditors appointed and compensated as provided in section 245 of *The Municipal Act*. *New*. <sup>Audit of accounts</sup>

Rev. Stat.,  
c. 243

### *Limitation of Actions*

**61.** No action shall be brought against a municipal corporation or any of its officers, agents or servants for anything done or omitted in the construction, operation or maintenance of a telephone system, or in the exercise of any of the <sup>Limitation of actions</sup>

powers

powers conferred by this Act after the lapse of six months from the time when the cause of action arose. R.S.O. 1950, c. 387, s. 79.

## PART III

### POLES, ETC., ON HIGHWAYS

Systems  
must have  
right to use  
highways

**62.**—(1) No telephone system shall place in, upon, over or under any highway, lane or square under the jurisdiction of the council of a municipality any poles, cables, ducts, wires or other structures or equipment without having acquired the right so to do. *New.*

Grants of  
right to  
use  
highways

(2) Notwithstanding the provisions of any other Act and with the approval of the Authority, the council of any municipality may pass a by-law or by-laws for granting to a system, upon such terms and conditions as may be deemed expedient, the right to use any highway, square or lane under its jurisdiction for placing in, upon, over or under the same, poles, cables, ducts, wires or other structures or equipment. R.S.O. 1950, c. 387, s. 80, *amended.*

Authority  
to determine  
differences  
as to use  
of highways

(3) Where the council and the system are unable to agree as to the terms and conditions upon which such right is to be granted, the council or the system may refer the matters in dispute to the Authority, in which event the Authority, after hearing the evidence of all persons interested, may prescribe such terms and conditions, and thereupon such terms and conditions are binding upon the municipality and the system. R.S.O. 1950, c. 387, s. 83, *amended.*

Termination  
of right

(4) Where a system fails to comply with any provision of this Act or the regulations or any order of the Authority, the Authority may terminate any right conferred upon the system under this section, in which case the by-law granting the right shall be deemed to be repealed.

Effect of  
termination  
of right

(5) Upon the termination of any right conferred upon a system under this section in accordance with the terms and conditions of the by-law granting such right or in accordance with an order of the Authority, the council may, with the approval of the Authority, by notice require the system to remove its poles, cables, ducts, wires and other structures and equipment from the highways, squares and lanes under the jurisdiction of the council and failing compliance with such notice within ninety days the council may remove such poles, cables, ducts, wires and other structures and equipment and charge the cost thereof to the system. *New.*

**63.** The right to use, for the purposes of section 62, any highway or road allowance situated in territory without municipal organization may be granted by the Minister of Lands and Forests upon such terms and conditions and subject to such rentals or charges as he may fix. R.S.O. 1950, c. 387, s. 84, *amended*. Right to use highways in unorganized territory

## PART IV

### INCORPORATION OF COMPANIES

**64.** Every unincorporated association or partnership of persons, comprising five or more members or partners, owning or proposing to own a telephone system and using or proposing to use a public highway or highways for the purpose of furnishing telephone service to the members or partners of such unincorporated association or partnership, or any of them, or to other persons, shall secure letters patent creating them a corporation with share capital for the purpose of carrying on the business of a telephone company. R.S.O. 1950, c. 387, s. 85. Partnerships and unincorporated associations to be incorporated

**65.** No by-law of an incorporated telephone company passed after this Act comes into force has any force or effect until approved by the Authority and every such company shall cause such by-laws to be kept available for inspection at the head office of the company. R.S.O. 1950, c. 387, s. 88, *amended*. By-laws to be approved by Authority

## PART V

### ALL TELEPHONE SYSTEMS

#### *Equipment and Service*

**66.**—(1) Every telephone system shall furnish continuous telephone service that adequately and efficiently meets the needs of the public in the territory in which it operates. Proper service to be given

(2) Any person who is not satisfied with the service rendered may lodge a complaint with the Authority with respect thereto and the Authority may order the system complained against to take such action as the Authority considers necessary. R.S.O. 1950, c. 387, s. 90, *amended*. Complaints

**67.** The Authority may make such orders for the construction and maintenance of a telephone plant as it may from time to time determine to be necessary in order to ensure adequate and efficient telephone service to the public and for the protection of life and property. R.S.O. 1950, c. 387, s. 91, *amended*. Orders to ensure proper service

Equipment  
operated  
but not  
owned by  
system

**68.** Where the telephone or other equipment operated in connection with the plant of a telephone system is not the property of the system,

- (a) the system shall within two years from the coming into force of this Act or within such further period as the Authority may allow, by agreement with the owner, acquire by purchase all such telephones and other equipment, with the exception of run-off poles located on the property of such owner, but if within such two years or such further period the system has failed to reach an agreement with the owner as to the purchase price, the system may apply to the Authority to fix such price or it may remove all such telephones or other equipment and replace the same with telephones or other equipment owned by the system; and
- (b) pending the acquisition of any telephone or other equipment by the system, the owner thereof shall keep and maintain the same in proper working order and so as not to impair the proper operation of the system, and in case such owner fails to do so, the system by its servants or agents may at all reasonable times and upon reasonable notice given or request made, enter in and upon the premises upon which such telephone or other equipment is situate for the purpose of inspecting and repairing, and where necessary may repair the same, and the system may collect the cost of the repairs so made from the owner of such telephone or other equipment in like manner and with the like remedies as it may collect telephone rates. R.S.O. 1950, c. 387, s. 92, *amended*.

Duplication  
of pole  
leads on  
highways

**69.** No telephone system shall erect poles upon or along or adjacent to and parallel with any portion of a highway upon or along which the pole leads of another system are already erected, or otherwise by means of its plant or any part thereof duplicate the plant of or compete with any other system which furnishes telephone service in the same locality in which the first-mentioned system proposes to furnish such service, unless by consent of the Authority. R.S.O. 1950, c. 387, s. 93, *amended*.

Use of pole  
leads by  
two or more  
systems

**70.** Where in the opinion of the Authority the convenience of persons desiring telephone service requires the extension of a telephone system upon or along a highway, upon or along which there is already a telephone pole lead, the Authority may make such order as it may deem expedient for authorizing such extension, and preventing the unnecessary multiplication of pole leads upon or along such highway. R.S.O. 1950, c. 387, s. 94, *amended*.



**71.** Notwithstanding anything in any Act, where a person makes application to a telephone system for telephone service, the system shall furnish such service upon terms to be agreed upon, and failing agreement, upon such terms and conditions as may be ordered by the Authority. R.S.O. 1950, c. 387, s. 95, *amended*.

Telephone  
service  
to be  
furnished  
on request

**72.** Where it is necessary for the purpose of carrying into effect any order of the Authority that a telephone system should erect poles, cables, ducts or wires upon or along any road or highway under the jurisdiction of a town, village, county or township, the system may, notwithstanding any limitations in any letters patent or otherwise, erect the poles, cables, ducts and wires upon or along such road or highway upon such terms and conditions as may be agreed upon between the council of the municipality and the system, and if the council and the system are unable to agree, then upon such terms and conditions as the Authority may prescribe. R.S.O. 1950, c. 387, s. 96, *amended*.

Erection  
of poles  
to enable  
performance  
of  
Authority's  
order

### *Connection of Telephone Systems*

**73.** A telephone system may enter into an agreement with any other system, whether such latter system is under the jurisdiction of the Legislature or not, providing for the connection, intercommunication, joint operation or reciprocal use of the respective lines and other plant controlled, owned or operated by such systems and for the transmission of business between the systems, and for the interchange of messages passing to, from or over their lines and other plant, and for the apportionment of tolls, commissions and expenditures, and the division of receipts and profits and generally for the regulation, management and operation of their lines and other plant, but no such agreement has any validity or effect until approved by the Authority. R.S.O. 1950, c. 387, s. 97, *amended*.

Agreements  
for  
connection,  
joint  
operation,  
etc.

**74.** Where the lines or other plant of two or more telephone systems are situate in such proximity to each other as to make it expedient in the public interest that they be connected in order that there may be intercommunication between them or joint operation or reciprocal use of them, or that the lines or other plant should be used jointly by the systems for the transmission of messages by or over the same, if either or any of such systems fail or refuse to enter into an agreement with the other or others, the Authority shall order that such connection be made, and shall order by whom, and in what manner, any line or works necessary for the purpose of making such connection shall be constructed and maintained, and how the cost incurred in constructing and maintaining it or them shall be borne, and shall order that there shall be such intercommunication between, or joint operation or reciprocal use

Authority  
may order  
connection,  
joint  
operations,  
etc.



of, and such transmission of messages by or over the lines or other plant, including any connecting lines or works, upon such terms and conditions as the Authority may prescribe. R.S.O. 1950, c. 387, s. 98, *amended*.

Intercom-  
munication  
by systems

**75.**—(1) Where the lines of one or more telephone systems terminate on the switchboard of another system, the other system shall furnish all reasonable and proper facilities for the interchange of conversations between the systems.

What  
facilities  
to be  
included

(2) The facilities to be so afforded shall include the providing of suitable switching facilities to connect the lines of such systems and the permitting of conversations to be transmitted without unreasonable delay over the lines so connected.

Terms

(3) The terms upon which the facilities for the interchange of conversation between two or more systems to be afforded under this section shall be fixed by agreement between the systems concerned, subject to the approval of the Authority, and failing such agreement they shall be fixed by the Authority. R.S.O. 1950, c. 387, s. 99, *amended*.

Intercom-  
munication  
between  
Dominion  
and  
Provincial  
systems

**76.** Where the lines or other plant of a telephone system under the jurisdiction of the Legislature and the lines or other plant of a system under the jurisdiction of the Parliament of Canada are situate in such proximity to each other as to make it practicable for such lines or other plant to be so connected as to provide direct communication whenever required between any telephone on the one system and any telephone on the other system, either of such systems or any municipal corporation or other public body or any person interested may file with the Authority and with the Board of Transport Commissioners for Canada an application for an order that such connection should be made together with evidence of service of the application upon the systems interested or affected, and clauses *b*, *c*, *d* and *e* of subsection 1 of section 131 of *The Railways Act* apply *mutatis mutandis* to every such application. R.S.O. 1950, c. 387, s. 100, *amended*.

Rev. Stat.,  
c. 331

#### *Sales and Agreements Increasing Cost of Service*

Agreements  
increasing  
cost of  
service

**77.** A telephone system shall not enter into an agreement with any other system that may have the effect of increasing the cost of telephone service to the public until the proposed agreement has been submitted to and approved by the Authority. R.S.O. 1950, c. 387, s. 101, *amended*.

Sales or  
transfers  
of systems,  
etc.

**78.** No telephone system or controlling interest in a system shall be sold or disposed of and no system shall be amalgamated with another system and no system shall enter into an agreement which in effect transfers its ownership or

control

control to another system, whether the other system is under the jurisdiction of the Legislature or not, until the Authority has approved the sale or other disposition, amalgamation or agreement. R.S.O. 1950, c. 387, s. 102 (1), *amended*.

**79.** The Authority may by its order terminate any of the rights, powers and privileges possessed by or conferred upon any telephone system under this Act, if the system violates section 77 or 78, and may by its order prohibit the system from carrying on business under this Act. R.S.O. 1950, c. 387, s. 102 (2), *amended*. Termination  
of powers  
of system

### *Rates and Tolls*

**80.** Every telephone system shall file with the Authority its tariff of rates and tolls in such form and containing such particulars as the Authority may require, and no system or municipality shall charge or levy any rate or toll that has not been filed with and approved by the Authority. R.S.O. 1950, c. 387, ss. 103, 104, *amended*. Tariffs to  
be filed and  
approved

**81.** There shall be no discrimination by any telephone system in favour of or against any person furnished with telephone service by the system by way of reduction or increase in any rate or toll, and no system shall without the approval of the Authority furnish free telephone service to any person. R.S.O. 1950, c. 387, s. 105, *amended*. Prohibition  
against dis-  
crimination  
as to tolls;  
free service

**82.** Every officer of a telephome system who wilfully authorizes or permits any contravention of section 80 or 81 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 for each offence. R.S.O. 1950, c. 387, s. 106, *amended*. Offence  
and  
penalty

### *Depreciation Fund*

**83.**—(1) Every telephone system shall provide and maintain a proper and adequate depreciation fund and for that purpose shall set aside each year such proportion of its earnings as the Authority may approve and the fund so provided shall, unless otherwise authorized by the Authority, be applied exclusively to meet the cost of the renewal and replacement of such portion of the plant of the system as may be rendered necessary by age, wear and tear, obsolescence, damage by storm or other contingency and the Authority may make such changes in the rate of depreciation from time to time as it considers expedient. R.S.O. 1950, c. 387, s. 109, *amended*. Depreciation  
fund

(2) The moneys carried to the credit of the depreciation fund shall, unless the Authority otherwise directs, be deposited in a chartered bank at interest and may, with the Deposit and  
application  
of fund

approval

Rev. Stat.,  
c. 400

approval of the Authority, be expended in new constructions or extensions or additions to the system, or may be invested in such securities as trustees may invest in under *The Trustee Act*, and all interest accruing from any portion of the depreciation fund so deposited or invested shall from time to time be carried to the credit of the depreciation fund. R.S.O. 1950, c. 387, s. 110, *amended*.

### *Issues of Stock, Bonds, Etc.*

Approval  
of issue  
of stock,  
bonds,  
notes, etc.

**84.**—(1) A telephone system shall not issue stock, bonds, notes or other evidence of indebtedness payable at periods of more than twelve months after the date thereof until it has obtained from the Authority an order authorizing such issue and the amount thereof and stating the purposes to which the issue or proceeds thereof are to be applied and that in the opinion of the Authority the money, property or labour to be procured or paid for by the issue of such stock, bonds, notes or other evidence of indebtedness is or has been reasonably required for the purposes specified in the order.

Offence  
and  
penalty

(2) Every officer of a system who wilfully authorizes or permits any contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 for each offence. R.S.O. 1950, c. 387, s. 111, *part, amended*.

### *Offences*

Prohibition  
against  
interference  
with  
instruments

**85.**—(1) Every person upon whose premises a telephone instrument, wiring or other equipment is installed who uses or interferes with or permits the telephone instrument, wiring or other equipment to be used or interfered with so as to injure or damage the same or so as to prevent the proper use of the circuit to which the telephone instrument is connected is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 for each offence.

Idem

(2) Every officer of a telephone system who wilfully authorizes or permits any contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 for each offence. R.S.O. 1950, c. 387, s. 112, *amended*.

Employees  
divulging  
conversations

**86.** Every operator or other person in the employ of a telephone system who divulges the purport or substance of any telephone conversation or message passing over the lines of the system, except when lawfully authorized or directed so to do, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 or to

imprisonment

imprisonment for a term of not more than thirty days or to both. R.S.O. 1950, c. 387, s. 113, *amended*.

**87.** Every person who, having acquired knowledge of any conversation or message passing over any telephone line not addressed to or intended for such person, divulges the purport or substance of such conversation or message, except when lawfully authorized or directed so to do, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 or to imprisonment for a term of not more than thirty days or to both. R.S.O. 1950, c. 387, s. 114, *amended*. Persons other than employees divulging conversations

**88.** Every person who, when using a telephone instrument or conversing over a telephone line, whether the telephone instrument or line is owned by a telephone system under the jurisdiction of the Legislature or not, uses indecent, obscene, blasphemous or grossly insulting language is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 or to imprisonment for a term of not more than thirty days or to both. R.S.O. 1950, c. 387, s. 115, *amended*. Using obscene language

**89.** Every person who, when using a telephone instrument or conversing over a telephone line, whether the telephone instrument or line is owned by a telephone system under the jurisdiction of the Legislature or not, refuses to give up or permit the use of the line when requested so to do by the operator or by any other person in case of a fire, accident, sickness or other similar emergency is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 or to imprisonment for a term of not more than thirty days or both. *New*. Refusal to give up line

### *Returns to the Authority*

**90.**—(1) Every telephone system shall, on or before the 1st day of April in each year, or in the case of any one or more systems at such later time in any year as the Authority may approve, furnish to the Authority a return containing such particulars respecting the cost, receipts, expenditures, operation, management and equipment of the system as the Authority may require. R.S.O. 1950, c. 387, s. 117, *amended*. Annual returns

(2) Every officer of a system who authorizes or acquiesces in any default in making a return under subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 for each day during which the default continues. R.S.O. 1950, c. 387, s. 118, *amended*. Penalty for default

## PART VI



## PART VI

## THE TELEPHONE AUTHORITY

Telephone  
Authority

**91.**—(1) There shall be a body known as the “Ontario Telephone Authority” which shall consist of three members or as many more as the Lieutenant-Governor in Council may from time to time determine.

Chairman  
and vice-  
chairman

(2) The members shall be appointed by the Lieutenant-Governor in Council and one of them shall be designated as chairman and one of them as vice-chairman. *New.*

Vacancies

**92.** Vacancies in the membership of the Authority caused by death, resignation or otherwise may be filled by the Lieutenant-Governor in Council. *New.*

Quorum

**93.** Two members of the Authority shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the Authority. *New.*

When vice-  
chairman  
may act

**94.**—(1) In the absence of the chairman or in case of his inability to act or if there is a vacancy in the office, the vice-chairman may act as, and has all the powers of, the chairman, including the power to complete any unfinished matter.

Presump-  
tion where  
vice-  
chairman  
has acted

(2) Where the vice-chairman has acted in place of the chairman, it shall be presumed conclusively that he so acted in the absence or disability or vacancy in the office of the chairman. *New.*

Staff

**95.** The staff of the Authority shall consist of a secretary, a commercial director, an engineering director and such other officers and employees as may be deemed necessary. *New.*

Adminis-  
tration  
costs

**96.** The moneys required for the purposes of this Part shall be paid out of the Consolidated Revenue Fund. *New.*

Power to  
take  
evidence on  
oath, etc.

**97.**—(1) The Authority has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Witness  
fees

(2) Every person summoned to attend before the Authority shall, in the discretion of the Authority, receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court. *New.*



**98.** The chairman may authorize any one of the members of the Authority to report to the Authority upon any question or matter arising in connection with the business of the Authority, and when so authorized such member has all the powers of the Authority for the purpose of taking evidence and acquiring information for the purposes of the report, and upon the report being made to the Authority, it may be adopted as the order of the Authority or otherwise dealt with as to the Authority seems proper. *New.*

**99.** All orders and other documents made or issued by the Authority are effective if signed by the chairman or vice-chairman. *New.*

**100.**—(1) The Authority shall sit at such times and places as the chairman may from time to time designate and shall conduct its proceedings in such manner as may seem to it most convenient for the speedy and effectual dispatch of its duties.

(2) The sittings of the Authority may be either private or open to the public, but any complaint made to the Authority shall, on the application of any party thereto, be heard publicly.

(3) Where the sittings of the Authority are appointed to be held in a municipality in which a court house is situated, the Authority and its members shall have in all respects the same rights as a judge of the Supreme Court with respect to the use of the court house and any part thereof, and of other buildings and apartments set aside in the municipality for the administration of justice.

(4) Where the sittings of the Authority are appointed to be held in a municipality in which there is a municipal hall but no court house, the municipality shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for the purpose. *New.*

**101.**—(1) It is the duty of the Authority,

General  
jurisdiction

- (a) to administer this Act;
- (b) to study the communication needs of Ontario, both immediate and future, and plan adequate communication facilities;
- (c) to supply telephone systems, municipalities and persons with engineering, accounting, legal and other technical advice and assistance pertaining to telephone problems;

(d)

- (d) to encourage and assist in the formation of larger and more efficient telephone systems by rendering engineering, legal and other assistance in the amalgamation, purchase, sale or other disposition of telephone systems or parts of systems;
- (e) to encourage and assist telephone systems to improve telephone service and to extend such service to unserved areas;
- (f) to encourage and assist in the co-ordination and joint use of power and telephone plants, including the improvement of the appearance, efficiency and safety of such plants and to assist telephone systems to reach agreement with power systems for such purposes;
- (g) to encourage telephone systems to establish pension and other benefit plans for employees;
- (h) to establish and conduct schools for the training of construction, installation and maintenance employees and the operating staffs of telephone systems.

**Services**

(2) The Authority may furnish the services, assistance and training referred to in subsection 1 without compensation or upon such terms as the Authority considers proper. *New.*

**Variation of orders, etc.**

**102.** The Authority may rehear any application and may review, amend or revoke its decisions, orders, directions, consents or approvals and may within its jurisdiction review, amend or revoke the decisions, orders, directions, rules or approvals heretofore made by the Board under a predecessor of this Act.

**Determination of disputes**

**103.** The Authority has exclusive jurisdiction to hear and determine any differences that may arise between two or more telephone systems or municipalities in respect of the establishment, extension, operation or maintenance of a telephone system or in respect of any act, matter or thing required to be done by them or any of them under this Act. R.S.O. 1950, c. 387, s. 120, *amended.*

**Inquiry as to whether rates sufficient**

**104.** The Authority may from time to time inquire whether a telephone system is being operated in a way that the rates and tolls charged for the service rendered by the system are sufficient to pay the funded debt and interest accruing thereon and the cost of maintenance and a reasonable return on capital investment, or whether greater rates are charged than are sufficient for such purpose, and the Authority may order such revision or adjustment of the rates or tolls as it considers proper. R.S.O. 1950, c. 387, s. 122, *amended.*

**105.**—(1) The Authority, whenever it appears to be expedient or necessary for the purpose of carrying into effect any of the provisions of this Act or upon any application, complaint or dispute before the Authority or in connection with any matter or thing over which the Authority has jurisdiction, may direct any person to examine and report upon the construction, operation or management of a telephone system, and for that purpose such person may at all reasonable hours enter any building, office or other premises belonging to or connected with the system and examine all books, accounts, tariffs, rates, balance sheets and other papers, records and documents relating to the system and examine the switchboards, instruments, toll stations and all other property that belongs to or forms a part of the system.

Examination  
of and  
report upon  
telephone  
system

(2) The person directed to make such examination and report has and may exercise any of the powers set out in section 55 of *The Ontario Municipal Board Act*.

Powers of  
examiner

Rev. Stat.,  
c. 262

(3) Upon receiving the report of the person directed to make examination and report, the Authority may adopt the report in whole or in part and may thereupon make such order with respect to the subject matter of the report as it considers proper. R.S.O. 1950, c. 387, s. 123, *amended*.

Order on  
receipt of  
report

**106.** The Authority may inquire into, hear and determine an application by or on behalf of any person,

Power of  
Authority  
to hear  
complaints

- (a) complaining that a telephone system has failed to do any act, matter or thing required to be done by it under this Act or the regulations or under a predecessor of this Act or that a system has done or is doing anything contrary to this Act or the regulations;
- (b) complaining that a system is charging rates or tolls in excess of those approved by the Authority;
- (c) requesting the Authority to make any order, or give any direction, sanction or approval which by law it is authorized to make or give. R.S.O. 1950, c. 387, s. 125, *amended*.

**107.** The Authority of its own motion may order any person, system or municipality to do forthwith or within any specified time and in the manner directed by the Authority anything which any person, system or municipality is or may be required to do under this Act or the regulations, and the Authority may by its order forbid the doing or continuing of anything that is in contravention of this Act or the regulations. R.S.O. 1950, c. 387, s. 126, *amended*.

Powers of  
Authority  
exerciseable  
on its own  
motion

Authority  
may approve  
of forms,  
etc.

**108.** The Authority may approve of forms of by-laws, notices and other proceedings to be passed, given or taken under and in carrying out the provisions of this Act, and every by-law, notice or other proceeding, which is in substantial conformity with the form so approved, is not open to objection on the ground that it is not in accordance with the provisions of this Act applicable thereto. R.S.O. 1950, c. 387, s. 127, *amended*.

Stated  
case

**109.**—(1) The Authority may, of its own motion or upon the application of any party to proceedings before the Authority and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Authority, is a question of law.

Idem

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Authority with the opinion of the Court thereon. *New*.

Lieutenant-  
Governor  
may rescind,  
etc., orders  
of  
Authority

**110.** The Lieutenant-Governor in Council may at any time upon petition of any party, all parties first having been heard, vary or rescind any order or decision of the Authority whether the order or decision was made *inter partes* or otherwise, and any order that the Lieutenant-Governor in Council makes with respect thereto is binding upon the Authority and all parties. *New*.

Appeal on  
questions of  
jurisdiction  
and law

**111.**—(1) An appeal lies from the Authority to the Court of Appeal upon any question of jurisdiction or upon any question of law, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order or decision sought to be appealed from or within such further time as the Court under the special circumstances of the case allows after notice to the opposite party, if any, stating the grounds of appeal.

Notice of  
appeal

(2) Upon such leave being obtained, the registrar shall set the appeal down for hearing at the next sittings of the Court and the party appealing shall, within ten days, give to the parties affected by the appeal, or to the solicitors by whom such parties were represented before the Authority, and to the Authority, notice in writing that the case has been so set down, and the appeal shall be heard and disposed of by the Court as speedily as practicable.

Opinion  
of Court

(3) On the hearing of an appeal under this section, the Court may draw such inferences as are not inconsistent with the facts expressly found by the Authority and necessary for determining the question of jurisdiction or law, as the case may be, and shall specify its opinion to the Authority,

and



and the Authority shall make an order in accordance with such opinion.

(4) The Authority is entitled to be heard by counsel or otherwise upon the argument of any such appeal. Authority may be heard

(5) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, and until such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section. Costs, rules of practice

(6) The Authority, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. *New.* Authority not liable for costs

**112.** Except as provided in sections 110 and 111, every order and decision of the Authority is final and binding. *New.* Orders of Authority final and binding

**113.** An order of the Authority may be general or particular in its application territorially or as to time or otherwise. *New.* Orders may be general or particular

**114.** *The Regulations Act* does not apply to any order of the Authority. *New.* Rev. Stat., c. 337 not to apply

**115.** The costs of and incidental to any proceedings before the Authority are in the discretion of the Authority, and the Authority may order by whom and to whom any costs are to be paid. *New.* Costs of proceedings before Authority

**116.**—(1) The Authority shall, after the close of each calendar year, make an annual report upon the affairs of the Authority to the Minister of Municipal Affairs who shall file it with the Provincial Secretary. Annual report

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council, and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. *New.* Idem

**117.** Nothing in this Act confers upon the Authority any jurisdiction as to matters which are under *The Power Commission Act* or which otherwise are within the exclusive jurisdiction of The Hydro-Electric Power Commission of Ontario. *New.* Act not to affect Power Commission Rev. Stat., c. 281

**118.** The Authority, subject to the approval of the Lieutenant-Governor in Council, may make regulations, Regulations

(a) to regulate and control the business practices and accounting practices of telephone systems;

(b)



- (b) prescribing the forms of accounts, books of accounts and records to be kept by telephone systems;
- (c) to regulate and control the type of construction of plants of telephone systems;
- (d) to regulate and control the maintenance and operating practices of telephone systems;
- (e) prescribing rules of practice and procedure applicable to proceedings before the Authority;
- (f) prescribing fees applicable to proceedings before the Authority and for certified copies of orders and other documents made or issued by the Authority;
- (g) prescribing the form of and the particulars to be contained in tariffs of rates and tolls and the manner and form in which tariffs of rates and tolls shall be published and kept open for public inspection;
- (h) prescribing the form and the particulars to be contained in the annual returns to be made by telephone systems to the Authority; and
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

## PART VII

### MISCELLANEOUS

Rev. Stat.,  
c. 262, s. 1,  
subs. 1, cl. d,  
amended.

**119.**—(1) Clause *d* of subsection 1 of section 1 of *The Ontario Municipal Board Act* is amended by striking out the words “or telephone” in the fourth line.

1951, c. 80;  
1952, c. 93;  
1953, c. 95;  
Rev. Stat.,  
c. 387,  
repealed

(2) *The Rural Telephone Systems Act, 1951, The Rural Telephone Systems Amendment Act, 1952, The Rural Telephone Systems Amendment Act, 1953* and *The Telephone Act* are repealed.

Commence-  
ment

**120.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**121.** This Act may be cited as *The Telephone Act, 1954*.

## CHAPTER 95

## An Act to amend The Territorial Division Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 1 of *The Territorial Division Act* is amended by inserting after the word “Island” where it occurs the second time in the twenty-first line the words “together with all lands and water in Lake Erie within one mile of the shore of Pelee Island”, so that the last four lines of the paragraph shall read as follows:

Middle Sister Island, North Harbour Island, East Sister Island, Hen Island, Big Chicken Island, Little Chicken Island and Middle Island together with all lands and water in Lake Erie within one mile of the shore of Pelee Island shall form part of the Township of Pelee.

(2) Clause *a* of paragraph 24 of the said section 1 is repealed and the following substituted therefor:

(a) the towns of Port Dover, Simcoe.

(3) Clause *b* of paragraph 24 of the said section 1 is amended by striking out the designation “Port Dover” in the first line, so that the clause shall read as follows:

(b) the villages of Delhi, Port Rowan, Waterford.

(4) Clause *c* of paragraph 26 of the said section 1 is amended by inserting after the designation “Cannington” the designation “Pickering”, so that the clause shall read as follows:

(c) the villages of Beaverton, Cannington, Pickering, Port Perry.

(5) Clause *b* of paragraph 33 of the said section 1 is amended by inserting after the designation “Braeside” in the first line the designation “Chalk River”, so that the clause shall read as follows:

(b)

- (b) the villages of Barry's Bay, Braeside, Chalk River, Cobden, Eganville, Killaloe Station.

Rev. Stat.,  
c. 388, s. 1,  
par. 40,  
amended

(6) Paragraph 40 of the said section 1 is amended by inserting after the word "of" in clause *b* the designation "Fergus" and by striking out the designation "Fergus" in the second line of clause *c*, so that clauses *b* and *c* shall read as follows:

- (b) the towns of Fergus, Harriston, Mount Forest, Palmerston;

- (c) the villages of Arthur, Clifford, Drayton, Elora, Erin.

Rev. Stat.,  
c. 388, s. 1,  
par. 42,  
cls. *b*, *c*, *d*,  
re-enacted

(7) Clauses *b*, *c* and *d* of paragraph 42 of the said section 1 are repealed and the following substituted therefor:

- (b) the towns of Aurora, Newmarket;

- (c) the separated towns of Leaside, Mimico, New Toronto, Weston;

- (d) the villages of Markham, Richmond Hill, Stouffville, Sutton, Woodbridge;

- (e) the separated villages of Forest Hill, Long Branch, Swansea;

- (f) the separated townships of East York, Etobicoke, North York, Scarborough, York;

- (g) the townships of East Gwillimbury, Georgina, King, Markham, North Gwillimbury, Vaughan, Whitchurch.

Rev. Stat.,  
c. 388, s. 1,  
par. 52, cl. *b*,  
amended

(8) Clause *b* of paragraph 52 of the said section 1 is amended by inserting after the designation "Levack" in the second line the designation "Lively", so that the clause shall read as follows:

- (b) the towns of Capreol, Chelmsford, Coniston, Copper Cliff, Frood Mine, Levack, Lively, Massey, Webbwood.

Rev. Stat.,  
c. 388, s. 2,  
par. 8, cl. *a*,  
re-enacted

**2.—**(1) Clause *a* of paragraph 8 of section 2 of *The Territorial Division Act* is repealed and the following substituted therefor:

- (a) the Improvement District of Kingsford.

(2) Clause *b* of paragraph 8 of the said section 2 is amended by inserting after the designation "Alberton" the designation "Atikokan". Rev. Stat.,  
c. 388, s. 2,  
par. 8, cl. *b*,  
amended

**3.**—(1) This Act, except subsection 1 of section 1, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Subsection 1 of section 1 shall be deemed to have come into force on the 1st day of January, 1954. Idem

**4.** This Act may be cited as *The Territorial Division Amendment Act, 1954*. Short title





## CHAPTER 96

**An Act to amend The Theatres Act, 1953**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Theatres Act, 1953* is amended by adding thereto <sup>1953, c. 104, amended</sup> the following section:

54a. The Director shall not approve the plans for the construction of a Class D theatre unless there is submitted with the application for such approval a copy of a resolution of the council of the local municipality in which such theatre is proposed to be constructed authorizing the construction of such theatre in the municipality, and such approval shall not be deemed to be a licence under section 12.

**2.** This Act may be cited as *The Theatres Amendment Act*, <sup>Short title</sup> 1954.



## CHAPTER 97

## An Act to amend The Travelling Shows Act

*Assented to April 6th, 1954**Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Travelling Shows Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 398,  
amended

1a. Where a show is exhibited in a theatre licensed under *The Theatres Act, 1953*, a licence under this Act is not required in respect of such exhibition. Show  
exhibited  
in theatre  
1953, c. 104

**2.** Section 3 of *The Travelling Shows Act*, as re-enacted by section 3 of *The Travelling Shows Amendment Act, 1953*, is repealed. Rev. Stat.,  
c. 398, s. 3  
(1953,  
c. 105, s. 3),  
repealed

**3.** Section 6 of *The Travelling Shows Act*, as re-enacted by section 4 of *The Travelling Shows Amendment Act, 1953*, is amended by adding thereto the following clauses: Rev. Stat.,  
c. 398, s. 6  
(1953,  
c. 105, s. 4),  
amended

(bb) exempting any show or class thereof from any provisions of this Act or the regulations with respect to all or any exhibitions thereof;

(bbb) providing for the waiving of any licence fee or imposing a nominal fee with respect to any show or class thereof.

**4.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-  
ment

**5.** This Act may be cited as *The Travelling Shows Amendment Act, 1954*. Short title



## CHAPTER 98

## An Act to amend The Trees Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Trees Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 399, s. 3,  
re-enacted

3. Subject to the approval of the Minister of Lands and Forests, the council of any county, or any municipality separated from the county for municipal purposes, or any municipality in a territorial district, may pass by-laws, By-law  
restricting  
cutting of  
trees

(a) restricting and regulating the destruction of trees by cutting, burning or other means; and

(b) providing for the appointment of officers to enforce the provisions of any by-law passed under this section.

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Trees Amendment Act*, Short title  
1954.





## CHAPTER 99

## An Act to provide Protection for Persons Working in Trenches

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpreta-  
tion

- (a) "inspector" means an inspector appointed under this Act or under a municipal by-law for the purpose of enforcing this Act;
- (b) "regulations" means regulations made under this Act;
- (c) "trench" means any excavation in the ground where the depth of the excavation exceeds the width.

**2.** This Act does not apply,

Application

- (a) to any part of a trench where the trench is four feet or less in depth;
- (b) to a trench where the work therein is done only by the owner thereof in person;
- (c) to a trench into which no person is required to enter for any purpose;
- (d) to a mine within the meaning of *The Mining Act*.

Rev. Stat.,  
c. 236

**3.**—(1) The council of every local municipality shall, by by-law, appoint one or more inspectors to enforce this Act in the municipality.

Inspectors,  
in municipi-  
alities

(2) The Lieutenant-Governor in Council may appoint one or more inspectors to enforce this Act in territory without municipal organization.

in unorgan-  
ized terri-  
tory

**4.**—(1) An inspector may enter any land for the purpose of carrying out an inspection under this Act.

Power of  
entry

Obstruction  
of inspector

(2) No person shall obstruct an inspector in the performance of his duties or furnish him with false information.

Order of  
inspector

**5.**—(1) Where an inspector finds that any provision of this Act is being violated, he may give such order in writing as he thinks necessary to secure compliance with this Act, and until such order is carried out the work upon that part of the trench in which the violation occurs shall be suspended.

Penalty

(2) Every person to whom an order of an inspector is directed who violates or knowingly permits any person under his direction or control to violate such order or to carry on work in violation of subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for every day upon which the violation continues.

Inspector  
to be noti-  
fied of  
proposed  
trench

**6.** The owner of land on which it is proposed to excavate a trench, or if a contractor is to excavate a trench, the contractor, shall before commencing work on the trench give notice in writing to an inspector appointed to enforce this Act in the jurisdiction in which the proposed trench is to be excavated stating,

- (a) the name and address of the owner of the land on which the trench is to be excavated and of the contractor, if any;
- (b) the location of the proposed trench;
- (c) the particulars as to the depth and width of the proposed trench;
- (d) the proposed date of commencing work on the trench; and
- (e) the name and address of the person who will be in charge of the work in connection with the trench.

Duties of  
owner and  
contractor

**7.** It is the duty of the owner of land on which a trench is being excavated, or if the work on the trench is being done by a contractor, it is the duty of the contractor, to ensure that the provisions of this Act and the regulations are complied with.

Shoring and  
timbering

**8.**—(1) The sides of all trenches exceeding four feet in depth shall be securely shored and timbered with good quality material in accordance with the regulations and the shoring and timbering shall extend at least one foot above the top of the trench.

(2) Subsection 1 does not apply where the trench is cut in solid rock or where the sides of the trench are sloped to within four feet of the bottom of the trench so that the sloped sides of the trench do not have more than one foot of vertical rise to each foot of horizontal run. Application

(3) Where the sides of a trench are sloped as described in subsection 2 but not to within four feet of the bottom of the trench, the vertical walls of the trench shall be shored and timbered with good quality material in accordance with the regulations and the shoring and timbering shall extend at least one foot above the vertical walls and be fitted with toe-boards to prevent material rolling down the slope and falling into the part of the trench with vertical walls. Trench with sloping sides

(4) Drawings and specifications for the shoring and timbering of all trenches to exceed thirty feet in depth and all trenches to exceed twelve feet in width shall be submitted in duplicate to the inspector appointed to enforce this Act in the jurisdiction in which the trench is to be excavated and the trench shall not be commenced until the drawings and specifications have been approved by the inspector and the shoring and timbering shall conform to such approved plans. Drawings for shoring and timbering

(5) Shoring and timbering shall be carried along with the excavating of a trench but when conditions permit may be done before the excavating commences. When shoring and timbering to be done

**9.** Ladders or other means of escape satisfactory to an inspector shall be provided in every trench and such ladders or other means of escape shall be spaced at intervals of not more than fifty feet in each trench and shall extend above the top of the trench. Ladders to be provided

**10.**—(1) Where staging or scaffolding for handling by hand in relays materials excavated from the trench is erected independently of the shoring or timbering on the sides of the trench, it shall be structurally adequate to protect persons working thereon or in the trench from collapse of the staging or scaffolding or from falling objects. Staging and scaffolding

(2) Where the staging or scaffolding is attached to the shoring and timbering on the sides of the trench, the shoring and timbering shall be sufficiently reinforced to withstand the additional load thereby imposed on the shoring and timbering. Idem

**11.**—(1) The person in charge of work in connection with a trench shall not allow or designate any person inexperienced in handling dynamite or other high explosives to handle, transport, prepare or use dynamite or other high explosives in connection with such work. Handling of high explosives by inexperienced persons

Posting  
of names

(2) The person in charge of work in connection with a trench shall post up in the field office and at the magazines the names of all persons designated to handle, transport, prepare or use dynamite or other high explosives.

Blaster  
designated

(3) The person in charge of work in connection with a trench shall designate one person to be in charge of blasting operations in each section of the trench affected by the blasting operations and such designated person shall enforce his orders and directions and supervise the fixing of all charges and all other blasting operations.

Firing  
circuits

(4) Every firing circuit in connection with blasting operations shall be broken outside the trench at a point and in a manner satisfactory to an inspector.

Quantity  
of high  
explosives  
in trench

(5) No greater quantity of dynamite or other high explosives than is required for immediate use in a trench shall be taken into a trench.

Gases in  
trench

**12.**—(1) The person in charge of the work in connection with a trench shall take precautions to ensure that no harmful gases or fumes are present in the trench to such a degree as may endanger the health and safety of persons working therein.

Mechanical  
ventilation  
required

(2) Where gases and fumes are likely to be present in a trench, or tests show their presence therein, sufficient mechanical ventilation to protect the health and safety of persons working therein shall be provided.

Gases in  
trench from  
internal  
combustion  
engine

**13.** No internal combustion engine shall be operated in a trench unless adequate provisions are made to ensure that exhaust gases and fumes are discharged to a point sufficiently remote from the trench to prevent their return to or accumulation in the trench.

Rock-drilling  
operations

**14.** Where rock-drilling operations are carried on in a trench, the person in charge of the work in connection with the trench shall ensure that an adequate supply of water is provided at the drill hole to control the dissemination of dust into the breathing zone of the drill operator or other persons working in the trench.

Placing  
material  
near trench

**15.** No tools, machinery, timber, rock or other material shall be placed or stored within two feet of the edge of a trench.

Operation  
of vehicles,  
etc., close  
to trench

**16.** The person in charge of the work in connection with a trench shall ensure that no vehicle, machinery or horse is driven or operated or located so close to the edge of a trench



in which persons are working as to endanger the stability of the walls of the trench by vibration or otherwise.

**17.**—(1) Such fences, guards or barricades as will prevent persons from falling into a trench shall be provided at or near the sides of all trenches and shall be kept in place at all times except when such fences, guards or barricades will interfere with the excavation or other work being done. Guards and barricades

(2) When operations are suspended and during darkness Idem such fences, guards or barricades as will prevent persons from falling into a trench shall be provided at or near the sides of all trenches and all piles of excavated material or other material, tools and machinery shall be marked by lighted lanterns or flares where necessary to prevent accidents.

**18.** The person in charge of work in connection with a trench shall not allow any person to enter the trench if the provisions of this Act and the regulations with respect to such trench have not been complied with. Persons entering trenches

**19.** No person shall move, alter or destroy any shoring or timbering or any fence, guard or barricade that is required by this Act and the regulations to be provided in connection with a trench for the protection of persons without the permission of the owner of the land on which the trench is excavated or, if the work on the trench is being done by a contractor, without the permission of the contractor. Moving or altering fences, etc.

**20.** No person shall work in a trench exceeding six feet in depth unless he is wearing a hat manufactured for the purpose of protecting persons from falling objects while working in a trench. Protective hats

**21.** During periods of temporary shut-down, no person shall be allowed to work alone in a trench exceeding twenty feet in depth unless another person is on duty outside the trench in close proximity to the part of the trench in which the other person is working. Solitary workers

**22.** No person under sixteen years of age shall be allowed to enter or work in a trench. Persons under 16

**23.** Nothing in this Act affects the authority of a municipality to pass by-laws relating to matters mentioned in this Act or affects any such by-law in so far as it imposes additional or more stringent requirements than those imposed by this Act and the regulations. By-laws

## Penalty

**24.** Every person who violates any provision of this Act or the regulations is guilty of an offence and on summary conviction, where a penalty for such offence is not otherwise provided, is liable to a penalty of not more than \$500.

Application  
of penalties

**25.** Every penalty collected for an offence under this Act committed in a local municipality shall be paid to the treasurer of the local municipality in which the offence was committed, and every penalty collected for an offence under this Act committed in territory without municipal organization shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

## Regulations

**26.** The Lieutenant-Governor in Council may make regulations,

- (a) regulating the methods of shoring and timbering and the size, composition and arrangement of materials that shall be used therefor;
- (b) providing for fees to be paid for the inspection of trenches in territory without municipal organization and for the payment of the expenses of inspectors and prescribing the amounts of such fees and expenses to be paid;
- (c) providing for fees to be paid for the examination of drawings and specifications of shoring and timbering for trenches in territory without municipal organization required to be submitted to an inspector for approval, and prescribing the amounts of such fees;
- (d) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

## Short title

**27.** This Act may be cited as *The Trench Excavators Protection Act, 1954*.

## CHAPTER 100

**An Act to amend The Unemployment Relief Act**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 1 of *The Unemployment Relief Act* is amended by adding thereto the following clause: Rev. Stat.,  
c. 403, s. 1,  
subs. 2,  
amended

(i) to make regulations prescribing the amounts of money that may be paid by the Province in respect of the burial of indigents who were resident in territory without municipal organization.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Unemployment Relief Amendment Act, 1954*. Short title



## CHAPTER 101

## An Act to amend The Vital Statistics Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Vital Statistics Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 412,  
amended

- 31a.—(1) If, after a registration of birth has been received or made by the Registrar-General, it appears or is reported to him that, because of incorrect information in the registration, the registration does not comply with the requirements of subsections 4 and 5 of section 6, the Registrar-General shall inquire into the facts and upon production of evidence satisfactory to him, supplemented by statutory declaration in the prescribed form, he may, instead of correcting the error under section 31, order that the registration be cancelled and that a new registration of the birth be made. Substitute  
registrations
- (2) Where an order is made under subsection 1, the Registrar-General shall attach the order to, and cause a notation of the order to be made on, the existing registration, and the existing registration and order shall be filed with the substituted registration. Order to be  
attached to  
registration
- (3) If, subsequent to the substitution of a registration under this section, application is made for a birth certificate pursuant to this Act, the certificate shall be issued having regard to the substituted registration only, but if a certified copy of the registration of the birth is required, the certified copy shall include a certified copy of the original registration, the order, and the substituted registration. Certificates  
and certified  
copies

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Vital Statistics Amendment Act, 1954*. Short title





## CHAPTER 102

## An Act to amend The Voters' Lists Act, 1951

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of *The Voters' Lists Act*, 1951, 1951, c. 93, s. 7, subs. 1, amended is amended by striking out the words "in two parts" in the fourth line.

(2) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor: 1951, c. 93, s. 7, subs. 3, 4, re-enacted

(3) Notwithstanding anything in this Act, the clerk of the municipality is not required to prepare a voters' list in any year in which a municipal election is not to be held. Where biennial elections

(4) In the case of a person appearing by the assessment roll to be a voter at municipal elections but not at provincial elections, the clerk shall insert in the proper column opposite the name of such person the letters "M.E.". Municipal electors only

(3) Subsection 5 of the said section 7 is amended by striking out the words "the first or second part of" in the second line. 1951, c. 93, s. 7, subs. 5, amended

(4) Subsection 7 of the said section 7 is amended by inserting after the word "daughter" in the fourth line the words "farmer's sister or farmer's son's wife", so that the subsection shall read as follows: 1951, c. 93, s. 7, subs. 7, amended

(7) In the case of a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by *The Municipal Act*, or by reason of being a farmer's daughter, farmer's sister or farmer's son's wife, the clerk shall insert the letters "M.F.N.C." opposite the name of such person in the proper column, meaning that such person is entitled to vote at municipal elections, but is not to be counted for the purpose of determining representation in the county council. Entering name of husband or wife of person rated Rev. Stat., c. 243

1951,  
c. 93, s. 7,  
subs. 13,  
amended

(5) Subsection 13 of the said section 7 is amended by striking out the words "of the second part" in the sixth line and inserting in lieu thereof the word "thereof", so that the subsection shall read as follows:

Entries of  
those  
qualified  
as jurors

(13) The clerk in making out the list shall, in a separate column provided for the purpose, insert the letter "J" in the list opposite the name of every person over twenty-one and under seventy years of age who by the roll appears to be qualified and liable to serve as a juror, and the list shall show at or near the end thereof the aggregate number of names of persons upon the list qualified to serve on juries, and in the case of municipalities divided into wards the list shall give the same information for each ward.

1951,  
c. 93, s. 9,  
subs. 1,  
amended

**2.** Subsection 1 of section 9 of *The Voters' Lists Act, 1951* is amended by striking out the words "the first and second parts of" in the third and fourth lines.

1951,  
c. 93, s. 10,  
subs. 1,  
re-enacted

**3.** Subsection 1 of section 10 of *The Voters' Lists Act, 1951* is repealed and the following substituted therefor:

Certificate  
of clerk

(1) Upon each of the copies of the list so delivered or mailed there shall be a certificate of the clerk (Form 2) stating that the list is a correct list of all persons appearing by the assessment roll to be voters at provincial and municipal elections and of all persons appearing by the assessment roll to be voters at municipal elections only, and that the letters "M.E." have been inserted in the proper column opposite the names of all persons appearing by the assessment roll to be voters at municipal elections only, and the certificate shall contain a clause calling upon all voters to examine the lists and to take immediate proceedings to have omissions or errors corrected according to law.

1951,  
c. 93, s. 13,  
subs. 1,  
re-enacted

**4.** Subsection 1 of section 13 of *The Voters' Lists Act, 1951* is repealed and the following substituted therefor:

Revision  
of list  
by judge

(1) The list shall be subject to revision by the judge at the instance of any voter who complains that the names of voters have been omitted from the list or wrongly stated therein, or that the names of persons who are not entitled to be voters have been entered in the list, and the following provisions of this Part and of Part II, so far as they are applicable, apply to the revision of the list.

5. Subsection 3 of section 14 of *The Voters' Lists Act, 1951* <sup>1951, c. 93, s. 14, subs. 3, amended</sup> is amended by striking out the words "the first or second part of" in the first and second lines.

6. Section 15 of *The Voters' Lists Act, 1951* is amended <sup>1951, c. 93, s. 15, amended</sup> by striking out the words "the first or second part of" in the third line.

7. Section 18 of *The Voters' Lists Act, 1951* is amended <sup>1951, c. 93, s. 18, amended</sup> by striking out all the words after the word "may" in the eighth line and inserting in lieu thereof the words "if the letters "M.E." have been incorrectly inserted or omitted opposite the name, correct the error", so that the section shall read as follows:

18. If on complaint or appeal to strike off the name of a person on the list it appears that the qualification of the person is incorrectly set forth therein but that he has the qualification necessary to entitle his name to be entered on the list, the judge shall not strike off the name of the person but shall make such alterations in the list as are necessary to set forth the proper qualifications of the person, and in so doing may, if the letters "M.E." have been incorrectly inserted or omitted opposite the name, correct the error. <sup>When qualification incorrectly stated</sup>

8. Section 19 of *The Voters' Lists Act, 1951* is amended <sup>1951, c. 93, s. 19, amended</sup> by striking out the words "the first and second parts of" in the third line.

9. Subsection 1 of section 20 of *The Voters' Lists Act, 1951* <sup>1951, c. 93, s. 20, subs. 1, amended</sup> is amended by striking out the words "the first and second parts of" in the fifth and sixth lines.

10. Section 52 of *The Voters' Lists Act, 1951* is amended <sup>1951, c. 93, s. 52, amended</sup> by striking out the words "the first and second parts of" in the sixth line.

11. Section 61 of *The Voters' Lists Act, 1951* is repealed <sup>1951, c. 93, s. 61, re-enacted</sup> and the following substituted therefor:

61.—(1) Forthwith after the issue of the writ for an election, <sup>Nomination of enumerators</sup>

(a) the person who apparently will be the candidate at the election of the political interest represented by the government of the day; and

(b)

- (b) the person who apparently will be the candidate at the election of a different and opposed political interest, the candidate for which, at the next preceding provincial election, received the highest number of votes or the next highest number of votes, as the case may be,

shall furnish to the returning officer lists of nominations for appointment as enumerators, but such lists may be furnished to the returning officer at any time after his appointment and may be revised from time to time up to twenty-four hours before the enumeration is to begin.

Failure to  
make nom-  
inations

- (2) If twenty-four hours before the enumeration is to begin the returning officer has received insufficient nominations to provide two enumerators representing two different and opposed political interests for each polling subdivision, he shall make such additional appointments as he deems necessary to enumerate the electoral district.

1951,  
c. 93, s. 62,  
subs. 1, cl. *a*,  
amended

**12.**—(1) Clause *a* of subsection 1 of section 62 of *The Voters' Lists Act, 1951* is amended by striking out the words "the first part of" in the first line.

1951,  
c. 93, s. 62,  
subs. 2, cl. *b*,  
amended

(2) Clause *b* of subsection 2 of the said section 62 is amended by striking out the words "the first part of" in the first line.

1951,  
c. 93, s. 78,  
amended

**13.** Section 78 of *The Voters' Lists Act, 1951* is amended by adding thereto the following clause:

- (bb) of objections to the addition to the lists of the names of voters enumerated under subsection 6 of section 75.

1951,  
c. 93, s. 93,  
repealed

**14.** Section 93 of *The Voters' Lists Act, 1951* is repealed.

1951,  
c. 93, s. 94,  
subs. 1,  
amended

**15.**—(1) Subsection 1 of section 94 of *The Voters' Lists Act, 1951* is amended by striking out the words "immediately after posting up the notice as required by section 93, proceed to" in the second and third lines and by striking out the word "preliminary" in the third line so that the subsection shall read as follows:

Preparation  
of list

- (1) The enumerator of each rural polling subdivision shall prepare a list (Form 25) under headings of names of streets where possible and in order of street numbers in subdivisions where street number-



ing is in effect, and in alphabetical order in all other subdivisions, of all persons in the polling subdivision who are qualified to vote at the election.

(2) Clause *b* of subsection 2 of the said section 94 is amended <sup>1951, c. 93, s. 94, subs. 2, cl. b, amended</sup> by striking out the words "the first part of" in the first line.

**16.** Subsection 1 of section 96 of *The Voters' Lists Act, 1951* is amended by striking out the word "preliminary" in the second and fourth lines respectively and by striking out the words "and one copy at the place within the polling subdivision at which he may be found pursuant to section 93" in the seventh, eighth and ninth lines, so that the subsection shall read as follows: <sup>1951, c. 93, s. 96, subs. 1, amended</sup>

- (1) The enumerator of each rural polling subdivision, immediately after the completion of the list and not later than four days from the date of his appointment, shall certify such list on oath and deliver it to the returning officer, and shall prepare at least six copies thereof so certified and shall forthwith post up one copy in the office of the returning officer for public inspection, and the returning officer shall distribute one copy to each candidate. <sup>Certification and posting up of list</sup>

**17.** Sections 97, 98, 99, 100, 101, 102, 103 and 104 of *The Voters' Lists Act, 1951* are repealed. <sup>1951, c. 93, ss. 97-104, repealed</sup>

**18.—**(1) Forms 1, 2 and 3 in the Schedule to *The Voters' Lists Act, 1951* are repealed and the following substituted therefor: <sup>1951, c. 93, Forms 1, 2, re-enacted; Form 3, repealed</sup>

## FORM 1

*The Voters' Lists Act, 1951**Sections 7 (1), 8 (1)*

## FORM OF VOTERS' LIST

Voters' List, 19..... of .....  
(municipality)

## SCHEDULE OF POST OFFICES

- |                   |                      |
|-------------------|----------------------|
| 1. North Augusta. | 3. Wright's Corners. |
| 2. Maitland.      | 4. Prescott.         |

POLLING SUBDIVISION No. 1, COMPRISING, ETC.:—(*Giving the Limits*)

Mun. El. Only	Name	Con- di- tion	Lot or Street Number	Concession Number or Street Name		Post Office Address	Jurors' Col.	If Sep. School Sup- porter
M.E.	Kelly, Patrick....	M	1	Spruce St.	Owner	1		S
	Phillips, Frederick	B	3	" "	Tenant	1		
	Murray, Alma....	MW	5	" "	M.F.N.C.	1		
	Welland, John....	B	7	" "	Owner	1	J	

(or where council has directed alphabetical arrangement)

M.E.	Anderson, Henry.	M	N W ½ 6	3	Owner	1		S
	Andrews, John....	B	W 14 acr. 8	1	F.S.	4		
	Archer, Mary....	MW	2	9	M.F.N.C.	4		S
	Burton, Samuel..	W'er	E ½ 17	4	See Subdiv. No.	2		
	Clark, Edith....	W	W ½ 17	4	Tenant	5		

POLLING SUBDIVISION No. 2, COMPRISING, ETC.:—(*Giving the Limits*)

(NOTE: In the Column headed "Condition" insert the initial letter or letters "M" (Married); "M.W." (Married Woman); "S" (Spinster); "W" (Widow); "W'er" (Widower); "B" (Bachelor), according to the circumstances.)

In the Column headed "Mun. El. Only" insert the letters "M.E." opposite the name of each person who is entitled to vote at municipal elections but not at provincial elections.)

## FORM 2

*The Voters' Lists Act, 1951**Section 10 (1)*

## CERTIFICATE TO BE ENDORSED ON THE VOTERS' LIST

I, A.B., Clerk of the ..... of ..... in the County of ....., certify that the within (or above) list is a correct list of all persons appearing by the assessment roll to be entitled to vote at provincial and municipal elections in this municipality and of all persons appearing by the assessment roll to be entitled to vote at municipal elections only in this municipality, and that the letters "M.E." have been inserted in the proper column opposite the names of all persons appearing by the assessment roll to be voters at municipal elections only, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this ..... day of ....., 19...

A.B.,  
Clerk of .....

(2) Form 8 in the said Schedule is amended by striking out the words "the first and second parts of" in the fifth line. <sup>1951, c. 93,  
Form 8,  
amended</sup>

(3) Form 9 in the said Schedule is amended by striking out the words "the first and second parts of" in the fourth line. <sup>1951, c. 93,  
Form 9,  
amended</sup>

(4) Form 10 in the said Schedule, as amended by sub-section 1 of section 3 of *The Voters' Lists Amendment Act, 1952*, <sup>1951, c. 93,  
Form 10,  
amended</sup> is further amended by striking out the words "the first and second parts of" in the first and second lines.

(5) Form 11 in the said Schedule, as amended by sub-section 2 of section 3 of *The Voters' Lists Amendment Act, 1952*, <sup>1951, c. 93,  
Form 11,  
amended</sup> is further amended by striking out the words "the first and second parts of" in the first and second lines.

(6) Form 13 in the said Schedule is amended by striking out the words "the first and second part of" in the seventh line. <sup>1951, c. 93,  
Form 13,  
amended</sup>

(7) Form 14 in the said Schedule is amended by striking out the words "the first or second parts of" in the second and third lines, by striking out the words "the first and second parts of" in the eighth line and by striking out the words "that the second part of the said annexed list is the last revised list" in the twelfth and thirteenth lines. <sup>1951, c. 93,  
Form 14,  
amended</sup>

(8) Form 16 in the said Schedule is amended by striking out the words "the first and second parts of" in the sixth line. <sup>1951, c. 93,  
Form 16,  
amended</sup>

- 1951, c. 93,  
Form 17,  
amended

(9) Form 17 in the said Schedule is amended by striking out the words "the first and second parts of" in the third and fourth lines.
- 1951, c. 93,  
Form 22,  
amended

(10) Form 22 in the said Schedule is amended by striking out the words "one of the enumerators" in the seventh line and inserting in lieu thereof the words "an enumerator".
- 1951, c. 93,  
Form 23,  
amended

(11) Form 23 in the said Schedule is amended by striking out the words "one of the enumerators" in the first and second lines and inserting in lieu thereof the words "an enumerator".
- 1951, c. 93,  
Form 24,  
re-enacted

(12) Form 24 in the said Schedule is repealed and the following substituted therefor:

FORM 24

The Voters' Lists Act, 1951

Section 62 (1)

ENUMERATORS' RECORD FORM

The following name will appear on the list of persons entitled to vote at the forthcoming election of a member to the Assembly in Polling Subdivision No..... of the Electoral District of.....

Name.....

Address.....

Occupation.....

.....

Enumerator

.....

.....

Enumerator

.....

.....

Address

.....

.....

Address

.....

.....

Telephone Number

.....

.....

Telephone Number

.....

- 1951, c. 93,  
Form 26,  
re-enacted

(13) Form 26 in the said Schedule is repealed and the following substituted therefor:

FORM 26

*The Voters' Lists Act, 1951*

*Section 62 (4)*

NOTICE OF INABILITY TO OBTAIN INFORMATION  
FOR PURPOSES OF REGISTRATION

Take notice that an enumerator attended at the premises known as ..... between 9 a.m. and 6 p.m. on ..... the ..... day of ..... and between 7 p.m. and 10 p.m. on ..... the ..... day of ..... but was unable to secure all the information necessary to ensure that he has obtained the names of all persons residing therein who may be qualified to vote at the forthcoming election of a member of the Assembly.

Information relating to the sittings of the revising officer at which any complaint that the name of a voter has been omitted from the voters' list will be heard may be obtained at .....

..... <i>Enumerator</i>	..... <i>Enumerator</i>
..... <i>Address</i>	..... <i>Address</i>
..... <i>Telephone Number</i>	..... <i>Telephone Number</i>

(14) Form 34 in the said Schedule is repealed.

1951, c. 93,  
Form 34,  
repealed

**19.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**20.** This Act may be cited as *The Voters' Lists Amendment Act, 1954.* Short title





## CHAPTER 103

**An Act to amend The Warehouse Receipts Act**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 31 of *The Warehouse Receipts Act* is amended by <sup>Rev. Stat.,  
c. 418, s. 31,  
amended</sup> striking out the words "until a day to be named by the Lieutenant-Governor by his Proclamation" in the fourth and fifth lines, so that the section shall read as follows:

31. This Act shall not apply to the storage of furs, <sup>Where Act  
not to apply</sup> garments and home furnishings, other than furniture, which are ordinarily used by the person placing them in storage or a member of his family or household.

**2.** This Act may be cited as *The Warehouse Receipts* <sup>Short title</sup> *Amendment Act, 1954.*



## CHAPTER 104

# An Act respecting Persons who bore or drill Wells for Water

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-  
tation
  - (a) "inspector" means inspector appointed under this Act;
  - (b) "licence" means licence issued under this Act;
  - (c) "licensee" means the holder of a licence;
  - (d) "Minister" means Minister of Mines;
  - (e) "regulations" means regulations made under this Act. R.S.O. 1950, c. 423, s. 1, *part, amended*.
2. No person shall bore or drill a well for water unless he is Licence  
required  
the holder of a licence. R.S.O. 1950, c. 423, s. 4 (1), *part*.
3. Upon application therefor in the prescribed form, the Issue and  
renewal  
Minister may issue a licence to any person to bore or drill wells for water and may, upon application therefor in the prescribed form, renew any such licence. C.R.O. 1950, Regs. 368, reg. 2, *amended*.
4. Every licence and renewal thereof expires on the 31st Expiry  
day of December following the date of issue or renewal. C.R.O. 1950, Regs. 368, reg. 4 (1).
5. The Minister may suspend or cancel a licence at any Suspension  
and cancel-  
lation  
time. C.R.O. 1950, Regs. 368, reg. 6, *amended*.
6. Every licensee while boring or drilling a well for water Duty to  
carry  
licence  
shall carry his licence on his person and produce it for examination upon the request of an inspector. C.R.O. 1950, Regs. 368, reg. 4 (2), *amended*.

- Returns**      **7.** Every licensee within one month after the completion of the boring or drilling of a well for water shall make a return in the prescribed form to the Minister. C.R.O. 1950, Regs. 368. reg. 7, *amended*.
- Appointment of inspectors**      **8.**—(1) The Lieutenant-Governor in Council may appoint one or more inspectors for the purposes of this Act. R.S.O. 1950, c. 423, s. 5, *part*.
- Power to enter**      (2) An inspector may enter upon any premises upon which a well is being or has been bored or drilled for water and make such examination, inspection or inquiry as he deems necessary for the purposes of this Act. R.S.O. 1950, c. 423, s. 5, *part, amended*.
- Regulations**      **9.** The Lieutenant-Governor in Council may make regulations,
- (a) prescribing the form of the application for a licence, the licence, the application for the renewal of a licence, the renewal, and the return mentioned in section 7;
- (b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 423, s. 2 (1), *part, amended*.
- Penalty**      **10.** Every person who contravenes any provision of this Act or of the regulations is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100. R.S.O. 1950, c. 423, s. 15, *amended*.
- Commence-ment**      **11.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.
- Short title**      **12.** This Act may be cited as *The Water-well Drillers Act, 1954*.



## CHAPTER 105

## An Act to amend The Wills Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Wills Act* is repealed and the following substituted therefor: Rev. Stat., c. 426, s. 19, re-enacted

19.—(1) In this section,

Conflict of laws, interpretation

- (a) an interest in land includes a leasehold estate as well as a freehold estate in land, and any other estate or interest in land whether the estate or interest is real property or is personal property;
- (b) an interest in movables includes an interest in a tangible or intangible thing other than land, and includes personal property other than an estate or interest in land.

(2) Subject to the other provisions of this section, the manner and formalities of making, and the intrinsic validity and effect of a will, so far as the will relates to an interest in land, are governed by the law of the place where the land is situated. Interests in land

(3) Subject to the other provisions of this section, the manner and formalities of making, and the intrinsic validity and effect of a will, so far as the will relates to an interest in movables, are governed by the law of the place where the testator was domiciled at the time of his death. Interests in movables

(4) As regards the manner and formalities of making a will, so far as it relates to an interest in movables, a will made either in or out of Ontario is valid and admissible to probate if it is made in accordance with the law in force at the time of its making in the place where, Idem

(a)

- (a) the will was made; or
- (b) the testator was domiciled when the will was made; or
- (c) the testator had his domicile of origin.

Change of  
domicile

- (5) A change of domicile of the testator occurring after a will is made does not render the will invalid as regards the manner and formalities of its making or alter its construction.

Construc-  
tion of will

- (6) Nothing in this section precludes resort to the law of the place where the testator was domiciled at the time of making a will in aid of its construction as regards an interest in land or an interest in movables.

Movables  
used in  
relation  
to land

- (7) When the value of a thing that is movable consists mainly or entirely in its use in connection with a particular parcel of land by the owner or occupier of the land, succession to an interest in the thing, either under a will or an intestacy, is governed by the law of the place where the land is situated.

Application  
of section

- (8) This section applies only to wills made on or after the 1st day of July, 1954.

Application  
of Rev.  
Stat.,  
c. 426, s. 19

- (9) Section 19 of *The Wills Act* as it appears in the Revised Statutes of Ontario, 1950 applies to wills made before the 1st day of July, 1954.

Re-executed  
wills

- (10) For the purposes of this section, a will that is re-executed or that is revived by codicil shall be deemed to be made at the time at which it is so re-executed or revived.

Commence-  
ment

- 2.** This Act comes into force on the 1st day of July, 1954.

Short title

- 3.** This Act may be cited as *The Wills Amendment Act, 1954*.

## CHAPTER 106

**An Act to amend  
The Wolf and Bear Bounty Act**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Wolf and Bear Bounty Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 427,  
amended

5a. Where a timber or brush wolf has been killed in a provisional judicial district, except the Provisional Judicial District of Manitoulin, the unskinned head of the wolf may be produced instead of the whole skin of the wolf, in which case the unskinned head shall be deemed to be the whole skin for all purposes of this Act and the regulations. Proof of  
killing

**2.** This Act may be cited as *The Wolf and Bear Bounty Amendment Act, 1954*. Short title



## CHAPTER 107

## An Act to amend The Workmen's Compensation Act

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 52 of *The Workmen's Compensation Act* is Rev. Stat., c. 430, s. 52, amended amended by striking out the symbol and figures "\$100,000" in the tenth line and inserting in lieu thereof the symbol and figures "\$200,000", so that the section shall read as follows:

52. To aid in getting injured workmen back to work and to assist in lessening or removing any handicap Aid to injured workmen resulting from their injuries, the Board may take such measures and make such expenditures as it may deem necessary or expedient, and the expense thereof shall be borne, in Schedule 1 cases, out of the accident fund, and in Schedule 2 cases, by the employer individually, and may be collected in the same manner as compensation or expenses of administration; provided that the total expenditure under this section shall not exceed \$200,000 in any calendar year.

**2.** Section 71 of *The Workmen's Compensation Act* is Rev. Stat., c. 430, s. 71, re-enacted repealed and the following substituted therefor:

71. Every copy of or extract from an entry in any book or record of the Board or of or from any document Certified copies of records, etc., as evidence filed with the Board, certified by the secretary of the Board or by such other officer of the Board as may be appointed for that purpose by the Board to be a true copy or extract, shall be received in any court as *prima facie* evidence of the matter so certified without proof of the secretary's or other officer's appointment, authority or signature.

**3.**—(1) Subsection 4 of section 84 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: Rev. Stat., c. 430, s. 84, subs. 4, re-enacted



Power to  
increase  
amount of  
assessment  
in certain  
cases

- (4) Where in the opinion of the Board sufficient precautions have not been taken for the prevention of accidents to workmen in the employment of an employer or where the working conditions are not safe for workmen, the Board may add to the amount of any contribution to the accident fund for which the employer is liable such a percentage thereof as the Board may deem just and may assess and levy the same upon the employer.

Rev. Stat.,  
c. 430, s. 84,  
amended

- (2) The said section 84 is amended by adding thereto the following subsection:

Relief

- (7) The Board, if satisfied that the default was excusable, may in any case relieve the employer in whole or in part from liability under subsection 4.

Rev. Stat.,  
c. 430, s. 97,  
subs. 2,  
re-enacted

4. Subsection 2 of section 97 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Assessments  
need not  
be uniform

- (2) It shall not be necessary for the assessments upon the employers in a class, sub-class or group to be uniform, but they may vary for each individual industry or plant in relation to the hazard of such industry or plant, and the Board may levy a differential rate of assessment on each employer in the class, sub-class or group accordingly.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Workmen's Compensation Amendment Act, 1954*.

PART II  
PRIVATE ACTS  
Chapters 108 to 135



## CHAPTER 108

# An Act respecting the Boards of the Baptist Convention of Ontario and Quebec

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**W**HEREAS the Baptist Convention of Ontario and Quebec and the Properties Board of the said Convention by their petition have represented that by an Act of this Legislature entitled *An Act respecting the Boards of the Baptist Convention of Ontario and Quebec*, being chapter 91 of the Statutes of Ontario, 1889, each of the Boards mentioned in an Act of the Parliament of Canada entitled *An Act respecting the Baptist Convention of Ontario and Quebec*, being chapter 105 of the Statutes of Canada, 1889, have authority to take by gift, devise, purchase or otherwise and to hold and enjoy any real or personal property, lands and tenements in Ontario and may alienate the same at pleasure, subject to the terms of the first-mentioned Act; and that by *An Act respecting the Baptist Convention of Ontario and Quebec*, being chapter 38 of the Statutes of Canada, 1911, the said Act of the Parliament of Canada was amended so as to enable the said Convention to appoint members of any other Board which the Convention might from time to time decide to appoint for the carrying on of any Christian work; and whereas the petitioners have represented that, in exercise of the powers conferred upon the said Convention by the said Act of the Parliament of Canada as so amended, members of other Boards have been appointed by the said Convention pursuant to the powers contained in the said Act of Parliament and that the said Properties Board is one of the said Boards; and that by the said Act of the Parliament of Canada as so amended it is further provided that each of the said Boards, and its successors, shall be a corporate body, and shall be capable of taking by devise, gift or purchase, any real or personal property, lands or tenements and of alienating the same at pleasure; and whereas the petitioners have further represented that in cases where real or personal property owned by a Baptist Church of the said Convention is abandoned by such Church, difficulties arise in respect to the title to such property, particularly where such property is real property, and that it is desirable that legislation should be passed so as to provide that any such abandoned property shall automatically vest in the said Properties Board upon

trust for the said Convention and subject to its direction from time to time; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1889, c. 91,  
s. 1, subs. 1,  
amended

1. Subsection 1 of section 1 of *An Act respecting the Boards of the Baptist Convention of Ontario and Quebec*, being chapter 91 of the Statutes of Ontario, 1889, as amended by subsection 1 of section 1 of *The Baptist Convention Act, 1944*, is further amended by inserting after the word "Canada" in the second line the words "and any and all Boards heretofore or hereafter created pursuant to the powers vested in the said Convention by the said Act of the Parliament of Canada and amendments thereto", so that the subsection shall read as follows:

Power to  
hold lands

- (1) Each of the boards mentioned in the said Act of the Parliament of Canada and any and all Boards heretofore or hereafter created pursuant to the powers vested in the said Convention by the said Act of the Parliament of Canada and amendments thereto shall have authority to take by gift, devise, purchase or otherwise and to hold and enjoy any real or personal property, lands and tenements in Ontario, and may alienate the same at pleasure.

Abandoned  
property to  
vest in  
Properties  
Board

2. In all cases where real or personal property now or hereafter owned by, or by Trustees for, any Baptist Church in Ontario of the Baptist Convention of Ontario and Quebec has been or is hereafter abandoned by any such Church, such property shall automatically vest in the Properties Board of the said Convention to be held by the said Board subject to the direction of the said Convention from time to time.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Boards of the Baptist Convention Act, 1954*.



## CHAPTER 109

## An Act respecting the Town of Fergus

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the Town of Fergus Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The name of “The Groves Memorial Hospital” is Hospital name changed changed to “The Groves Memorial Community Hospital”.

(2) All real and personal property, trusts, gifts, devises and bequests which have been heretofore held by or made to, or shall hereafter be made to or in favour of or intended for, together with all rights, powers and privileges of, The Groves Memorial Hospital shall be held and enjoyed by The Groves Memorial Community Hospital. Effect of change

**2.** Section 3 of *The Village of Fergus Act, 1932* is repealed 1932, c. 67, s. 3, re-enacted and the following substituted therefor:

**3.**—(1) The conduct and management of the affairs of Management of hospital by Commission The Groves Memorial Community Hospital and of all its properties and assets shall be vested in a commission to be known as The Groves Memorial Community Hospital Commission.

(2) The Commission shall be composed of the head of Composition of Commission the council of The Corporation of the Town of Fergus *ex officio* and the following appointed members:

- (a) two members of the council appointed by by-law of the council; and
- (b) not less than ten and not more than sixteen additional persons appointed by by-law of the council.

First  
appoint-  
ments

- (3) The council of the corporation shall appoint the first members of the Commission by by-law at its first meeting held after the day upon which this Act comes into force and such members shall hold office until the 31st day of December, 1954, and until their successors are appointed.

Subsequent  
appoint-  
ments

- (4) At its first meeting in the year 1955 and thereafter at its first meeting in each year, the council of the corporation shall appoint the members of the Commission who shall hold office for the calendar year in which they are appointed and until their successors are appointed.

Vacancies

- (5) In the event of the retirement, disqualification, resignation, illness or death of any appointed member, another appointment shall be made by the council of the corporation for the balance of such member's term of office.

Re-appoint-  
ment

- (6) A member of the Commission shall be eligible for re-appointment on the expiration of his term of office.

Retirement  
of present  
members

- (7) Upon the first appointment of the members of The Groves Memorial Community Hospital Commission under subsection 3, the members of The Groves Memorial Hospital Commission shall cease to hold office.

Commence-  
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Town of Fergus Act, 1954*.

## CHAPTER 110

## An Act respecting the Town of Fort Erie

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the Town of Fort Erie <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The agreement made between The Corporation of the Town of Fort Erie, Canadian National Railway Company and <sup>Railway bridge assessment</sup> The International Bridge Company, dated the 21st day of December, 1953 and set out as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto and The Corporation of the Town of Fort Erie, and the said parties and The Corporation of the Town of Fort Erie are hereby empowered to carry out and enforce their respective obligations and rights thereunder.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The Town of Fort Erie Act, 1954*. <sup>Short title</sup>

## SCHEDULE

AGREEMENT made in triplicate this 21st day of December, in the year of Our Lord, One Thousand nine hundred and fifty-three.

BETWEEN:

THE CORPORATION OF THE TOWN OF FORT ERIE, hereinafter called the "Town",

OF THE FIRST PART,

—and—

CANADIAN NATIONAL RAILWAY COMPANY and THE INTERNATIONAL BRIDGE COMPANY, hereinafter called the "Companies",

OF THE SECOND PART.

WHEREAS differences have arisen between the Town and the Companies with reference to the assessment and taxation by the Town of that portion of the property known as "the International Bridge" lying west of the International Boundary Line;

AND WHEREAS it has been agreed to settle all differences presently existing or which may at any time during the term of this Agreement hereafter exist in respect to the said property or any part thereof presently constructed and notwithstanding the said property or any part thereof shall cease at any time to be used exclusively for railway purposes or incidental thereto;

NOW THEREFORE, in consideration of the premises and the matters hereinafter contained the parties hereto agree with each other as follows:—

1. That notwithstanding anything contained in *The Assessment Act* of the Province of Ontario or any amendments thereto hereafter made, that portion of the property known as "The International Bridge" lying west of the International Boundary Line and including without limitation all structures, sub-structures and super-structures thereof and approaches thereto, and all rails, ties, poles, wires or other property thereon or used in connection therewith, including every change, alteration, addition, improvement and/or reconstruction necessary for the proper maintenance and repair of the existing structures, sub-structures and super-structures thereof and approaches thereto, and all rails, ties, poles, wires or other property thereon or used in connection therewith, shall be rated on the assessment roll of the said Town for the period of twenty-five years commencing on the 1st day of January, 1954, at no higher valuation than will produce the sum of Fifteen Thousand Dollars (\$15,000.00) per annum at the rate or rates on the dollar which shall have been fixed by a By-law or By-laws of the said Town for authorizing, levying and collection of rates for the purposes of the Municipality, and that the said valuation shall be held and taken to be the assessed valuation for which, during the period aforesaid, the said property hereinbefore described shall be entered upon the assessment roll for the purpose of levying and collecting all rates; and it shall be the duty of the assessors from time to time to assess the same in accordance with the valuation hereby fixed and for no other or greater sum.

2. That, without limitation of the provisions hereinbefore set forth, it is specifically understood and agreed that the said valuation shall be held to cover and include any reconstruction, alteration or improvement, of the said property, or any part thereof, on the same site and whether to provide for vehicular and/or pedestrian traffic or otherwise but shall not include the enlargement of the present structure for the purpose of providing double tracks or the erection of a new structure in or on a different location, and notwithstanding the said property, or any part thereof, presently existing shall not be used exclusively for railway purposes or incidental thereto. In the event that the present structure shall be enlarged for the purpose of providing double tracks or in the

event that a new structure be erected in or on a different location, the parties hereto mutually agree to enter into a new agreement in respect to the taxation thereof or to a revision of this agreement increasing the amount payable by the Companies to Town, such amounts to be mutually agreed upon.

3. No other sum shall in respect to the said property hereinbefore more particularly described be demanded or collected from the said Companies or either of them for municipal rates or assessments of any kind, than the said sum of Fifteen Thousand Dollars (\$15,000.00) per annum during the said term of twenty-five years, and the Clerk of the Municipality for the time being is hereby authorized to set down the said sum of Fifteen Thousand Dollars (\$15,000.00) in the collector's roll to be made out and prepared by him as the gross amount of taxes to be collected yearly and every year during the period aforesaid in respect to the said property.

4. The said sum of Fifteen Thousand Dollars (\$15,000.00) shall be payable to the Town each and every year during the term of this Agreement on or before the 23rd day of September.

5. The Town hereby undertakes and covenants with the Companies to apply at its own expense at the earliest possible time hereafter for legislation of the Province of Ontario to give full effect to all provisions in this Agreement and to do all acts and things necessary to make the said provisions valid and binding, and will abide by, observe and carry out the same according to the spirit, true intent and meaning thereof.

6. The Companies hereby undertake and covenant with the Town to co-operate with the Town to obtain the necessary legislation to give full effect to this Agreement and to make the same valid and binding, it being understood and agreed, however, that the Companies shall not in any way or under any circumstances be responsible for failure on the part of the Town to secure the said legislation.

7. That the making of this Agreement and acts of any party hereunder or incidental thereto shall not in any way prejudice the rights in law of any parties after the expiration of the term hereof.

8. That all the provisions herein contained shall enure to the benefit of and be binding upon the successors and assigns of each and all of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals attested by the proper officers in that behalf.

THE CORPORATION OF THE TOWN  
OF FORT ERIE:

CHAS. H. PRICE,  
*Mayor.*

[Seal]

A. E. JEPSON,  
*Clerk.*

CANADIAN NATIONAL RAILWAY  
COMPANY:

S. F. DINGLE,  
*Vice-President.*

[Seal]

J. W. YOUNG,  
*Assistant Secretary.*

THE INTERNATIONAL BRIDGE  
COMPANY:

S. F. DINGLE,  
*Vice-President.*

[Seal]

FORBES B. HENDERSON,  
*Secretary.*





## CHAPTER 111

**An Act respecting The Frontenac High School District**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the County of Frontenac Preamble  
by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** *The Frontenac High School District Act, 1949* is amended 1949, c. 124  
amended  
by adding thereto the following section:

- 5a.—(1) Notwithstanding anything in *The High Schools* Estimates  
Rev. Stat.  
c. 165  
*Act*, the Board shall submit its estimates in each  
year to the council of the County of Frontenac  
rather than to the councils of the local municipalities  
forming part of The Frontenac High School District.
- (2) The council of the County shall levy and collect County levy  
and payment  
each year, and transfer to the Board from time to  
time as required, but not later than the 15th day of  
December, such amount as the Board may deem  
necessary for the matters mentioned in clauses *a*,  
*b* and *c* of section 49 of *The High Schools Act*, and  
such amount shall be levied as part of the county  
rates against each of the local municipalities forming  
part of the County for municipal purposes, except the  
Township of Wolfe Island, in the proportion that the  
equalized assessment, as defined in *The High Schools*  
*Act*, of such local municipality bears to the total  
equalized assessment of The Frontenac High School  
District.
- (3) The county clerk when certifying to the clerk of each Tax notice  
local municipality forming part of the County for  
municipal purposes, except the Township of Wolfe  
Island, the amount to be levied in the municipality  
for county purposes, shall show separately the por-

tion

tion of such amount that is to be levied in such local municipality for the purposes of The Frontenac District High School Board and the treasurer of each such local municipality shall show in mills on the tax notice in each year the portion of the county rate levied for the purposes of the Board.

Commence-  
ment

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1954.

Short title

**3.** This Act may be cited as *The Frontenac High School District Act, 1954.*

## CHAPTER 112

## An Act respecting the City of Hamilton

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the City of Hamilton by Preamble  
its petition has prayed for special legislation with  
respect to the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.—**(1) Retirement allowances granted or purporting to Retirement allowances validated  
have been granted to employees who had been in the service  
of the Corporation in accordance with the provisions of By-law  
No. 5887 as amended, passed by the council of the Corporation  
on the 27th day of December, 1946, are hereby validated and  
declared to be legal, valid and binding upon the Corporation  
and the ratepayers thereof.

(2) The said By-law No. 5887 as amended, and set forth By-law validated  
as Schedule A hereto, is hereby declared to be legal, valid and  
binding on the Corporation and the Corporation is hereby  
empowered to carry out its obligations under the by-law,  
and to pass by-laws to levy such moneys as are required to  
fund systematically the costs of the retirement allowances,  
and to temporarily invest in a retirement allowances fund  
any portion of these moneys which are not required imme-  
diately for these purposes.

**2.—**(1) Resolution No. 1 passed by the council of the Tax exemption resolutions validated  
Corporation on the 27th day of December, 1946, and set forth  
as Schedule B hereto, Resolution No. 10 passed by the council  
of the Corporation on the 10th day of June, 1947, and set  
forth as Schedule C hereto, and Resolution No. 30 passed by  
the council of the Corporation on the 29th day of January,  
1952, and set forth as Schedule D hereto, together with the  
amounts of the partial exemptions from taxation granted  
under these resolutions are hereby confirmed and declared to  
be legal, valid and binding upon the Corporation and the rate-  
payers thereof.

Tax exemp-  
tions

(2) The council of the Corporation may, without the assent of the electors, pass a by-law exempting from taxation, except for local improvements and school purposes, for the years 1954-1956 inclusive, dwelling houses where the land and buildings are assessed at not more than \$7,000 and owned and occupied by veterans who were on active service during the late war with the naval or military forces of Great Britain or Great Britain's Allies, but who may or may not have served overseas, or by widows of such veterans, to an amount not exceeding \$30 annually, and further the Corporation may extend these partial exemptions up to and including the 31st day of December, 1957, to veterans and widows of veterans who were unable to qualify in 1953 by reason of a by-law passed by the council of the Corporation revising these partial exemptions.

Agreement  
validated

3. The agreement made between Stephen Kemp, George Russell Harris, Edgar Comley and Edwin Hunt, all of the City of Hamilton, in the County of Wentworth, the surviving Trustees of Burkholder Cemetery, and the Corporation, dated the 28th day of January, 1954, and set forth as Schedule E hereto, is hereby ratified and confirmed and declared to be valid and binding on the parties thereto and the said parties are authorized and empowered to enter into the said agreement and to carry out their respective obligations thereunder.

Application  
of Rev.  
Stat.,  
c. 243, s. 14,  
subss. 14-20

4.—(1) For the purposes of subsections 14 to 20 of section 14 of *The Municipal Act*, the order of the Ontario Municipal Board dated the 31st day of December, 1953, P.F.M.-1175, shall be deemed to be a decision providing for an annexation, and a valid notice of objection shall be deemed to have been filed with the Clerk of the Executive Council, and subsections 17 to 20 of the said section 14 shall apply *mutatis mutandis* to the decision and the notice of objection.

Special  
assessments

(2) If,

- (a) the Lieutenant-Governor in Council confirms the said order of the Ontario Municipal Board; or
- (b) the Lieutenant-Governor in Council orders a new public hearing in respect of the annexation and the Ontario Municipal Board thereupon orders an annexation of part of the Township of Saltfleet to the City of Hamilton,

any lands of two acres or more, in the portion of the Township of Saltfleet annexed to the City of Hamilton, used on the effective date of the annexation for agricultural or gardening purposes, shall, so long as so used, be assessed in each year for a period of five years at such amount as may be agreed upon

by



by The Corporation of the City of Hamilton and the person assessed, or failing such agreement as shall be determined by the Ontario Municipal Board.

5. The council of the Corporation is hereby authorized to pass a by-law, without obtaining the approval of the Ontario Municipal Board, to borrow the sum of \$555,000 upon debentures made payable in not more than five years for the following purposes:

Debtenture  
by-law  
authorized

For expenditures in regrading and paving of a four-lane highway on John Street, Arkledun Avenue and the Jolley Cut Road to Concession Street at Wellington Street. . . . . \$747,000.00

To determine by survey an outlet from Mountain Boulevard to Graham Avenue with a proposed bridge across T. H. & B. tracks; also, a survey for the construction of an under-pass under the C.N.R. tracks at the east end of Mountain Boulevard. . . . . 60,000.00

\$807,000.00

Less Roadway Subsidies:  
Cash received. . . . . \$229,544.20  
Balance estimated. . . . . 22,455.80

252,000.00

\$555,000.00

and the by-law when duly passed shall be legal, valid and binding upon The Corporation of the City of Hamilton and the ratepayers thereof.

6. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

7. This Act may be cited as *The City of Hamilton Act*, 1954.

Short title

## SCHEDULE A

BY-LAW No. 5887

## RESPECTING RETIRING ALLOWANCES

WHEREAS pursuant to 10 Geo. VI (1946) Chapter 60, Section 35, which section amends sections 264 and 265 of *The Municipal Act* R.S.O., Chapter 266 (1937), a council is authorized to grant an annual retirement allowance to any employee who has been in the service of the Corporation for at least twenty (20) years.

AND WHEREAS the council deems it expedient to establish a formula for determining the amount of retiring allowances to employees in the future in accordance with the provisions of this by-law.

THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:—

1. Any full time employee in the service of the City on the 5th day of April, 1946, and who may be retired from the service of the City Corporation after twenty (20) years' service, shall be granted a retiring allowance for life at a rate of one and one-quarter per centum of his or her normal full wages, salary or income for the year preceding retirement, multiplied by his or her years of service after his or her twenty-first birthday and not exceeding a maximum of forty (40) years' service; where employees continue in the service after completing forty (40) years' service the computation of their retiring allowance shall be based on the normal wages or salary of the calendar year preceding the year in which the employee completed his or her fortieth year of service;

Provided, however, the total amount of retiring allowance shall not exceed Twenty-five Hundred Dollars (\$2,500.00) per annum.

2. The amount of such annual retiring allowances shall be reduced by the annual amount of pension payments payable to the retiring employee by the Hamilton Civic Employees' Pension Fund;

If the retiring employee is not a member of the said fund, then his or her retiring allowance shall be reduced by the amount he or she would have received had he or she become a member of the said fund.

3. It is understood and agreed that the provisions of this by-law shall not apply to those employees of the City Corporation who are eligible for membership in the Hamilton Firemen's Benefit Fund, the Hamilton Police Benefit Fund or employees who are entitled to the benefits of The Public Service Superannuation Board of the Province of Ontario.

Passed this 27th day of December A.D. 1946.

J. F. BERRY,  
*City Clerk.*

SAMUEL LAWRENCE,  
*Mayor.*

[ SEAL ]

## SCHEDULE B

1. That a tax grant be made to 1939-45 veterans and war widows who have purchased land and built homes for their own use since January 1943. Application for this benefit will not be accepted after the policy of granting City-owned lots to veterans and war widows for \$1.00 has been terminated. The amount of this tax grant is to be at the rate of \$30.00 per year with the first grant to be made in the year 1947 and to continue until December 31, 1956. Applicants after 1947 (if the general policy is still in force) will enjoy this grant yearly as from the time of occupancy up to and including the year 1956. In all cases, there must be an annual renewal of the application for the benefit originally granted. Such grants are to apply to owner-occupied properties where land and building assessment does not exceed \$4,000.00. Men and women dishonourably discharged from the Services cannot qualify for the grant. Veterans who purchased lots from the City for the nominal sum of \$1.00 will not be eligible for further assistance of this grant.

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## SCHEDULE C

10. Re Tax Grant to Veterans. That all regulations adopted by Council prior to this date be repealed and the following substituted in lieu thereof:

"That a tax grant be made to 1939-45 veterans and war widows who have purchased land and built homes or who have purchased homes for their own use following the date of enlistment. Applications for this benefit will not be accepted after the policy of granting City-owned lots to veterans and war widows for \$1.00 has been terminated. The amount of this tax grant is to be at the rate of \$30.00 per year with the first grant to be made in the year 1947, and continuing until December 31, 1956. Applicants for 1947 (if the general policy is still in force) will enjoy this grant yearly as from the time of occupancy up to and including the year 1956. In all cases, there must be an annual renewal of the application for the benefit originally granted. Such grants are to apply to owner-occupied properties where land and building assessment does not exceed \$5,000.00. The veteran must have resided in Hamilton for twelve months prior to his enlistment and at the time of enlistment. The last date for receiving applications in 1947 shall be July 1st.

Men and women dishonourably discharged from the services cannot qualify for the grant.

Veterans who purchased lots from the City for the nominal sum of \$1.00 will not be eligible for the further assistance of this grant."

## SCHEDULE D

## SCHEDULE D

30. That further to the Resolution of the Board of Control as adopted by Council December 23, 1946, respecting the Veterans' Tax Grant of \$30.00 per annum, that the maximum assessment under which veterans may receive the grant be increased from \$5,000.00 to \$7,000.00 and further that all veterans who have received this grant previously be not barred as the result of the reassessment of 1951 on the same property.

## SCHEDULE E

AGREEMENT, made this 28th day of January, in the year of Our Lord One thousand nine hundred and fifty-four.

BETWEEN:

STEPHEN KEMP, GEORGE RUSSELL HARRIS, EDGAR COMLEY and EDWIN HUNT, all of the City of Hamilton, in the County of Wentworth, the surviving Trustees of Burkholder Cemetery, hereinafter called "the Trustees",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF HAMILTON, hereinafter called "the City",

OF THE SECOND PART.

WHEREAS, by a certain Declaration of Trust bearing date the 26th day of May, A.D. 1874, and annexed to a conveyance of a portion of the lands hereinafter described, and registered in the Registry Office for the Registry Division of Wentworth as No. 8083, Robert D. Bensley, Joel Burkholder, Amos Burkholder, George H. Taylor and William T. Harris, all of the said Township of Barton, Yeomen, were declared to be trustees of certain land and tenements therein described and being part of the lands hereinafter described for the purposes therein mentioned viz:

to permit and allow the said lands to be used as a burying ground in accordance with the terms contained in the subscription list signed by several persons who subscribed for the purchase thereof and in accordance with such further regulations as the said Trustees or a majority of them might from time to time make in respect to said burying ground.

And it was thereby declared and provided that in case of the death of any one or more of the said Trustees or in case of any one or more of such Trustees removing from the neighbourhood or resigning the trust thereby created, the surviving or remaining Trustee or Trustees might by writing endorsed thereon or annexed thereto appoint another Trustee or other Trustees in the place of the one or ones so deceased or removing or resigning as aforesaid and that such new trustee or trustees so appointed should have the same powers and authorities as the trustees thereby created would have possessed if living or continuing to act and might also appoint new Trustees in the same manner as the original trustees therein named were thereby empowered to do.

AND WHEREAS, by a certain conveyance dated 31st of December, A.D. 1874, made between The Trustees of School Section Number Four of the Township of Barton, of the First Part, and the said Robert D. Bensley,

Joel Burkholder, Amos Burkholder, George H. Taylor and William T. Harris, of the Second Part, certain lands therein described and being the other part of the lands hereinafter described were conveyed to the said Robert D. Bensley, Joel Burkholder, Amos Burkholder, George H. Taylor and William T. Harris, upon the trusts therein and hereinbefore mentioned with power of appointment of new Trustees therein and hereinbefore mentioned.

AND WHEREAS, by various Indentures of Appointment pursuant to the powers in the said Declaration of Trust and in the said Conveyance new Trustees have from time to time been appointed to take the place of the Trustees who have died, removed or resigned, and which changes are more fully set out in the Appointment of new Trustees dated the 10th day of April, 1894, and registered in the Registry Office for the County of Wentworth as No. 8084 in Book for the Township of Barton, and further Appointment of New Trustees dated the 10th day of December, 1924, and registered in the Registry Office for the County of Wentworth as No. 28638 in Book for the Township of Barton.

AND WHEREAS, the last Trustees so thereby appointed were Lewis A. Burkholder, Archie A. W. Burkholder, G. Russell Harris, Thomas P. Wilkins and Arthur L. Burkholder.

AND WHEREAS, the said Lewis A. Burkholder died on or about the 2nd day of July, 1931;

AND WHEREAS, the said Archie A. W. Burkholder died on or about the 11th day of March, 1942;

AND WHEREAS the said Thomas P. Wilkins died on or about the 11th day of January, 1938;

AND WHEREAS, the said Stephen Kemp, Edgar Comley and Edwin Hunt have been appointed Trustees in the place and stead of the said Lewis A. Burkholder, Archie A. W. Burkholder and Thomas P. Wilkins;

AND WHEREAS, by Indenture of Appointment dated the 30th day of September, 1944, and registered in the Registry Office aforesaid on the 24th day of January, 1945, in Book for the General Register as Number 21113 the following trustees were appointed and declared to be trustees of the said lands, namely, George Russell Harris, Arthur L. Burkholder, Stephen Kemp, Edgar Comley and Edwin Hunt;

AND WHEREAS, the said Arthur L. Burkholder died on or about the 22nd day of January, 1948;

AND WHEREAS, the said lands and other adjoining lands have now become annexed to The Corporation of the City of Hamilton and the said surviving Trustees in pursuance of the powers given to them under Section 43 of *The Cemeteries Act*, Revised Statutes of Ontario, 1950, Chapter 46, have agreed to transfer and convey the said lands unto the City of Hamilton subject to the trusts upon which the said lands are held by the said Trustees.

NOW THIS AGREEMENT WITNESSETH:

1. The Trustees do hereby agree to transfer and convey unto the City the lands and premises hereinbefore referred to and more particularly described in the Schedule hereto annexed together with all the moneys and securities of the said Cemetery now in their possession and under their control and more particularly described in the said Schedule.

2. The City hereby agrees to accept such transfer and conveyance of the said lands and assets subject to the trusts hereinbefore mentioned and hereby covenants and agrees to indemnify and save harmless the Trustees from and against all loss, damage, injury, action, suit, claims and demands arising out of or in connection with the transfer by the Trustees to the City of the said lands and assets all as more particularly described in the Schedule hereto attached and which may arise out of or by reason of the transfer of the said assets to the City.



3. The parties hereto do hereby further agree that all expenses of the Trustees and all Solicitors' costs in connection with this transaction including the preparation and registration of all documents and transfers shall be paid by the Trustees out of the said moneys in the hands of the Trustees.

4. The City agrees with the Trustees to obtain legislation validating this agreement and the transfer of the said assets in pursuance thereof.

IN WITNESS WHEREOF the Trustees have hereunto set their hands and seals and the City has affixed its Corporate Seal under the hands of its proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of

EDITH ROBINSON

As to execution by Stephen  
Kemp, George Russell Harris  
and Edwin Hunt.

A. B. CLARK

As to execution by Edgar Comley.

STEPHEN KEMP

G. R. HARRIS

EDWIN HUNT

EDGAR H. COMLEY

THE CORPORATION OF THE  
CITY OF HAMILTON

L. D. JACKSON,  
*Mayor.*

J. F. BERRY,  
*City Clerk.*

(Seal)

#### *Schedule*

#### REAL ESTATE:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, formerly in the Township of Barton, in the County of Wentworth and being composed of,

FIRSTLY—Part of the south east corner of Lot Number Ten in the Fifth Concession of the said Township of Barton, now in the City of Hamilton, more particularly described as follows:—

COMMENCING at the southeast angle of the said Lot Number Ten; thence north eighteen degrees east two chains thirty-seven links; thence north seventy-two degrees west (N. 72°W.) three chains and seventeen links; thence south eighteen degrees west (S. 18° W.) two chains and thirty-seven links; thence south seventy-two degrees east (S. 72° E.) three chains seventeen links more or less to the place of beginning. The said parcel containing by admeasurement three quarters of an acre more or less.

SECONDLY—Part of Lot Number Nine in the Fifth Concession of the Township of Barton now in the City of Hamilton, more particularly described as follows:—

COMMENCING at the southwest angle of the said Lot Number Nine; thence easterly along the Concession Road allowance Five chains and seventeen links; thence northerly parallel with the western boundary of said Lot Number Nine two chains and thirty-seven links; thence westerly parallel with the Concession Road allowance five chains and seventeen links to the western boundary of the said Lot Number Nine; thence southerly along the western boundary of the said Lot Number Nine two chains and thirty-seven links to the place of beginning.

SAVING AND EXCEPTING therefrom a certain parcel or tract of land two chains square lying in the southwest angle of the said Lot Number Nine.

The parcel of land hereby conveyed containing by admeasurement eight and one quarter square chains more or less.

2. CASH IN BANK: In Huron & Erie Mortgage Corporation—Savings Bank Account—balance as of December 8th, 1953, \$3,545.09.

3. MORTGAGES: Lot 43 west side Erin Avenue Roselawn Survey made by Charles Priest, Binbrook, originally for \$2,000.00—balance principal \$1,650.00—interest 6% half yearly 1st June and December of each year. The interest is paid up to the last interest date.

4. BONDS: Dominion of Canada Bonds 3% bearer as follows:

No. B0130122	—maturing June 1st, 1960.....	\$ 500.00
No. A1151343	—maturing September 1st, 1966...	100.00
No. A1151344	—maturing September 1st, 1966...	100.00
No. A1151345	—maturing September 1st, 1966...	100.00
No. B0137100	—maturing October 1st, 1963.....	500.00
No. P5E133456	—maturing October 1st, 1963.....	1,000.00
No. A792382	—maturing January 1st, 1959.....	100.00
No. B0115469	—maturing January 1st, 1959.....	500.00



## CHAPTER 113

**An Act to incorporate The Hamilton Foundation**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**W**HEREAS the persons named in section 1 by their <sup>Preamble</sup> petition have represented that it is desirable and in the public interest to create a perpetual body to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the petitioners have prayed that an Act be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Argue Martin, Q.C., John G. Langs, Frank P. Goldblatt, Edward H. Ambrose, Herbert P. Frid, Harold H. Leather, M.B.E., George B. Elwin, Clinton E. Wigle and James V. Young, all of the City of Hamilton in the County of Wentworth, and their successors as members of the Board of Directors of the Foundation, are hereby constituted a body corporate and politic without share capital under the name of The Hamilton Foundation, hereinafter called the Foundation. <sup>Foundation incorporated</sup>

**2.** The objects of the Foundation are to receive, maintain, <sup>Objects</sup> manage, control and use donations for charitable purposes within Ontario.

**3.—(1)** The Foundation shall be composed of the nine <sup>Members of Foundation</sup> members for the time being of the Board of Directors of the Foundation, hereinafter called the Board.

**(2)** The first members of the Board shall be: <sup>First Board</sup>

(a) James V. Young, Frank P. Goldblatt and Edward H. Ambrose, who shall serve for one year;

(b) Herbert P. Frid, Harold H. Leather, M.B.E., and George B. Elwin, who shall serve for two years;

(c)

(c) Clinton E. Wigle, John G. Langs and Argue Martin, Q.C., who shall serve for three years.

Remunera-  
tion and  
term of  
office

(3) Members of the Board shall serve without remuneration and, subject to subsection 2, shall be appointed for a term of three years.

Re-appoint-  
ment

(4) No member of the Board shall be eligible for re-appointment until one year has elapsed after he ceases to hold office.

Vacancies

(5) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 4.

Idem

(6) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 4, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.

Composition  
of nominat-  
ing com-  
mittee

4.—(1) The nominating committee shall consist of the persons holding the following offices from time to time:

1. The Mayor of the City of Hamilton.
2. The Senior Judge of the County Court of the County of Wentworth.
3. The President of the Hamilton Community Chest.
4. The President of the Hamilton Chamber of Commerce.
5. The President of the Hamilton Law Association.

Meetings

(2) The nominating committee shall meet annually or oftener upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy in the Board.

Rules

(3) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it deems advisable.

Quorum

(4) A quorum of the nominating committee for any meeting shall be not less than three of its members present in person, and a majority vote of all the members of the committee shall be required for the appointment of a member of the Board.



(5) If the nominating committee fails to appoint a person <sup>Appointment by Judge</sup> to fill a vacancy in the membership of the Board within sixty days after the vacancy occurs, the remaining members of the Board may apply to a judge of the Supreme Court to make the appointment, and the Judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he deems just.

**5.**—(1) The Board may pass by-laws not contrary to this <sup>Powers of Board</sup> Act to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation.

(2) Without limiting the generality of subsection 1, the <sup>Idem</sup> Board may pass by-laws,

- (a) regulating the calling of and the procedure at meetings of the Board, and fixing the time and place of such meetings;
- (b) fixing the quorum of the Board;
- (c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended <sup>Repeal and amendment of by-laws</sup> by the Board in accordance with such rules or regulations as it may prescribe by by-law.

(4) By-laws of the Board shall require the approval either <sup>Approval</sup> at a meeting or in writing of the majority of the members of the Board.

**6.** The Foundation is hereby empowered, <sup>Powers of Foundation</sup>

- (a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;
- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;
- (c) except as hereinafter provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;

(d)

- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board deems advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation;
- (g) to pay and apply the net income in each year from all funds held directly or indirectly by it toward such charitable purposes within Ontario as it deems advisable;
- (h) to pay, apply and distribute such portion as it deems advisable of the capital of the funds held directly or indirectly by it, to and for such charitable purposes within Ontario as it deems advisable, provided that, unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any period of four consecutive years, and provided further that no distribution of capital shall be made without the unanimous consent of all directors, given in person at a meeting of the Board or if not present at a meeting then in writing within the sixty days next after the meeting;
- (i) except as hereinafter provided, to control the management and investment of all its funds; provided that, where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, such trust company shall have the physical custody of such fund and, subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the Board; and provided further that the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies and there-

upon

upon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;

- (j) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada; provided that the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion deems advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall under no circumstances be liable, nor shall any trust company or other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets as aforesaid or the investment of any such moneys in accordance with the power and authority given in this clause;
- (k) to employ such person or persons, including trust companies, and to take such other action, as it deems advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to, the income or capital, or both, of the funds of the Foundation as the Board deems advisable;
- (l) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium; and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it deems best;
- (m) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it deems just, expedient and proper.

**Specific powers**

**7.**—(1) The Foundation may accept donations either directly or indirectly subject to the condition that the income or capital or both thereof shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

**Proviso**

(2) Subsection 1 applies only if the donation is also subject to the condition that after the expiration of a specific or indefinite period of time or at any time, there shall be a discretionary power vested in the Board to pay or apply the income or capital of the donation to some other charitable purpose or that, if the Board is satisfied that conditions are such as to render it impractical or inefficient to expend all or any part of such moneys for such specific purpose, then upon the unanimous approval of the members of the Board given either at a meeting or in writing within sixty days next after the meeting and within the limits of the discretionary power all or any part of such moneys may be paid and applied to such other charitable purposes as the Board deems advisable.

**Idem**

(3) If any such donation is made subject to the condition that the income or capital or both shall be paid and applied to a specific charitable organization for a specific period of time, and if such specific charitable organization ceases to exist within the specific period of time, then for the balance of the period the income or capital or both shall be applied to such other charitable purpose as is directed by a Judge of the Supreme Court in accordance with the laws in force from time to time in Ontario.

**Form of words**

**8.** Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

**Nature of donations**

**9.** The Foundation may accept a donation notwithstanding that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

**Treatment of donations**

**10.**—(1) Subject to subsection 2, all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund.

**Idem**

(2) In the case of a donation of \$25,000 or more, the donor may require that such donation be maintained as a separate fund, in which case in each year thereafter a separate accounting thereof shall be set out in the annual audited report.

(3) Unless otherwise directed by testamentary document or deed of trust or otherwise, all donations shall be publicly acknowledged, in the year following that in which they are made, by being set out in the annual audited report. <sup>Acknowledg-ments</sup>

(4) Unless otherwise directed by testamentary document or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in every year following their receipt by being set out in the annual audited report provided that if one person makes more than one donation then only the total of that person's donations, as they may be from time to time, need be shown. <sup>Idem</sup>

**11.**—(1) The Foundation shall cause an audit to be made at least once in every fiscal year, by an independent auditor who shall be either a Chartered Accountant or a Certified Public Accountant, of the receipts and disbursements of the funds of the Foundation. <sup>Audit</sup>

(2) The audit shall include all assets held by the Foundation or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, such trustee shall give an accounting thereof to the auditor of the Foundation in each year. <sup>Idem</sup>

(3) The Foundation shall cause to be published in the newspaper published in the City of Hamilton, Ontario, reputed to have the largest circulation therein, a certified statement by the auditor setting out the receipts and disbursements and capital assets of the Foundation or held in trust for the Foundation. <sup>Publication of statement</sup>

(4) The statement shall show separately the receipts and disbursements and capital assets of any fund which is held separately but with respect to other assets may show the same as a general fund. <sup>Contents of statement</sup>

(5) The statement shall set out in detail the purposes for which the income has been used and the expenses of the Foundation, all in accordance with good accounting practice. <sup>Idem</sup>

(6) The Board and any trust company or other trustee holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made. <sup>Information and inspection</sup>

(7) The Foundation shall be subject in all respects to *The Charities Accounting Act*. <sup>The Application of Rev. Stat., c. 50</sup>



Limitation  
on powers

**12.** Any power conferred on the Foundation by this Act shall not be exercised in respect of any donation in contravention of any express provision to the contrary in the document of trust governing such donation.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** This Act may be cited as *The Hamilton Foundation Act, 1954*.

## CHAPTER 114

**An Act respecting The Home of the Friendless and Infants' Home**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Home of the Friendless and Infants' Home, hereinafter called the Corporation, by its petition has represented that it was incorporated in 1873 by *An Act to incorporate the Hamilton Female Home under the name of "The Home of the Friendless,"* at Hamilton, being chapter 156 of the Statutes of Ontario, 1873, and that the said Act has been amended by *An Act to amend the Act incorporating the Home of the Friendless, of Hamilton,* being chapter 92 of the Statutes of Ontario, 1887, by which last-mentioned Act the corporate name was changed to The Home of the Friendless and Infants' Home; and that the Corporation was incorporated for the purpose of providing for the temporary housing and reformation of females, which original purpose was enlarged by the above-mentioned amendment in 1887 to provide for the maintenance of young infant children; and that Hamilton Hospital Associates Inc., hereinafter called the Associates, is a corporation without share capital, incorporated by letters patent granted under *The Companies Act* on the 11th day of August, 1950, for the purpose, *inter alia*, of receiving and administering bequests, gifts and funds of any sort for the benefit of the Hamilton General Hospital and all hospitals owned and operated by the City of Hamilton, and that the Board of Directors of the Corporation has deemed it advisable and expedient that a transfer, alienation and assignment of all the property, assets and rights of the Corporation be made to the Associates, and that the Corporation be dissolved; and whereas the Corporation has prayed for special legislation to confirm, validate and declare legal and binding an agreement between the Corporation and the Associates embodying the provisions for and terms of such transfer, alienation and assignment; and whereas it is expedient to grant the prayer of the petition;

Rev. Stat.,  
c. 59

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement  
validated

**1.** The agreement made between the Corporation and the Associates, dated the 15th day of January, 1954, set out as the Schedule hereto, is hereby ratified and confirmed and declared to be valid and binding on the parties thereto, and the said parties are hereby authorized and empowered to enter into the said agreement and to carry out their respective obligations thereunder.

Property,  
etc.,  
vested in  
Associates

**2.** The whole of the property, assets, funds, rights, privileges, choses in action, moneys, credits and effects of the Corporation and all endowments of and gifts, devises, bequests, legacies and grants to the Corporation, whether heretofore or hereafter given or made, are hereby vested in and declared to be the property of the Associates and all such endowments, gifts, devises, bequests, legacies and grants shall enure to the benefit and advantage of the Associates, and wherever in any deed of gift or will or other instrument of gift or endowment the Corporation is referred to or intended to be referred to, such reference shall hereafter be deemed to be a reference to the Associates.

Liabilities

**3.** On and after the day upon which this Act comes into force, all rights of creditors against the property and assets of the Corporation and all liens upon its property, assets and rights shall remain unimpaired and all debts, contracts, liabilities, trusts and duties of the Corporation shall thenceforth attach to the Associates and may be enforced against it to the extent of the property and assets hereby vested in the Associates.

Transfer  
of title  
Rev. Stat.,  
cc. 336,  
197, 36

**4.** For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act* or any other Act affecting the title to property, it shall be sufficient to cite this Act to show the transfer or transmission of title from the Corporation to the Associates and the vesting therein of any lands or any interest in lands or personal property.

Authority of  
Associates

**5.** It is hereby declared that the Associates are hereby empowered to use and enjoy the property, assets, rights, endowments and grants of the Corporation in accordance with the terms of the agreement set out as the Schedule hereto and the intent of the objects of the Corporation as heretofore set out in its Act of Incorporation and amendments thereto.

Dissolution  
of Corpora-  
tion,

**6.** Upon completion of such formal transfers and assignments as the parties may be advised as necessary or expedient to carry out the terms and provisions of the agreement set out as the Schedule hereto, the Corporation shall file with the Provincial Secretary a certificate under the corporate seal that the Corporation has no debts or obligations which have not been

assumed

assumed by the Associates, and that all necessary transfers and assignments have been executed and delivered in accordance with the said agreement, and on the expiration of one month from the date of the filing the Corporation shall *ipso facto* be dissolved.

**7.** Upon the dissolution of the Corporation, the following <sup>Repeal</sup> shall be repealed:

- (a) *An Act to incorporate the Hamilton Female Home under the name of "The Home of the Friendless," at Hamilton, being chapter 156 of the Statutes of Ontario, 1873.*
- (b) *An Act to amend the Act incorporating the Home of the Friendless, of Hamilton, being chapter 92 of the Statutes of Ontario, 1887.*

**8.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

**9.** This Act may be cited as *The Home of the Friendless and* <sup>Short title</sup> *Infants' Home Act, 1954.*

## SCHEDULE

THIS AGREEMENT made in duplicate this 15th day of January 1954

BETWEEN:

HOME OF THE FRIENDLESS AND INFANTS' HOME,  
hereinafter called "The Corporation",

OF THE FIRST PART,

—and—

HAMILTON HOSPITAL ASSOCIATES INC., hereinafter  
called "The Associates",

OF THE SECOND PART.

WHEREAS the Corporation was incorporated without share capital by an Act of the Legislature of Ontario, being Chapter 156, 36 Victoria (1873) under the name of "The Home of the Friendless" with objects and purposes to provide for the temporary housing and reformation of females.

AND WHEREAS the said recited Act of incorporation was amended by a subsequent Act of the Legislature of Ontario, being Chapter 92, 50 Victoria (1887), changing the corporate name to "Home of the Friendless and Infants' Home", and enlarging the objects and purposes to provide for the maintenance of young infant children.

AND WHEREAS the Associates is a corporation without share capital, incorporated by Letters Patent granted under *The Companies Act (Ontario)* on the 11th day of August 1950, for the purposes, inter alia, of receiving and administering bequests, gifts and funds of any sort for the benefit of the Hamilton General Hospital and all hospitals owned and operated by the Municipal Corporation of the City of Hamilton, hereinafter called the "Hospitals".

AND WHEREAS the Corporation has acquired property and assets since its incorporation.

AND WHEREAS it is deemed expedient that all the property, assets, rights, endowments, goods, devises, gifts, legacies and grants now owned by the Corporation or to which it is now, or may hereafter become, entitled and the benefits and advantages thereof, should be transferred, conveyed and assigned to the Associates.

AND WHEREAS the Associates has agreed to accept the said transfer, conveyance and assignment upon the terms, conditions and trusts hereinafter set forth.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH THAT:

1. In consideration of the premises and of the sum of One Dollar now paid by the Associates to the Corporation (receipt whereof is hereby acknowledged) and subject to the enactment of appropriate confirming legislation by the Legislature of the Province of Ontario, the Corporation agrees to and does hereby transfer, convey, set over and assign unto the Associates all its property, assets and rights, real and personal, of whatsoever kind and wheresoever situate, and whether now owned or to which it may hereafter become entitled, including without limiting the generality of the foregoing all funds, privileges, choses in action, moneys, credits of the Corporation and all Endowments of and gifts, devises, bequests, legacies and grants to the Corporation whether heretofore or hereafter given or made.



2. The Associates hereby covenants and agrees to assume and pay as of the first day of January 1954 and thereafter all the debts and obligations of the corporation including, without limiting the generality of the foregoing, all costs and expenses connected with or incidental to these presents and the performance of same and the legislation aforesaid and of the winding up and dissolution of the Corporation, and to indemnify and save harmless the Corporation and its Officers, Managers and Members in respect thereof.

3. The Associates covenants and agrees with the Corporation that it will hold all funds and benefits of every kind and description received by it pursuant to or arising from this Agreement in trust for the use and benefit and general welfare of infants and children who are patients in or using the facilities of the Hospitals at the present time, or who may be patients in or use the said facilities in the future. Without limiting the generality of the foregoing, the funds and benefits may be used by the Associates for all or any of the following purposes:

- (1) To provide hospital equipment of any kind or nature of special benefit to infants and children.
- (2) To equip in whole or in part a children's wing in the Hospitals and to maintain beds therein and to improve generally services for infants and children and to increase the facilities for the care of infants and children.

4. The Parties hereto shall execute and do all such further Deeds, Agreements, documents and things which may be necessary or desirable for carrying out and completing the true intent of these presents and the vesting in Associates of all the property, assets and rights of the Corporation as above set out.

5. The Parties hereto shall co-operate and endeavour to obtain legislation at an early session of the Legislature of the Province of Ontario confirming and validating this Agreement and embodying such of the terms and provisions hereof and such other provisions as may be necessary to give full effect to the true intent of these presents.

6. In the event of such legislation not being obtained within two calendar years of the date hereof, this Agreement shall be null and void.

7. The Corporation agrees that upon the enactment of confirming legislation as aforesaid it will at the expense of Associates take such further steps as may be necessary to surrender its Act of Incorporation or otherwise terminate its corporate existence.

IN WITNESS WHEREOF the Parties hereto have hereunto impressed their respective Corporate Seals under the hands of their proper Officers duly authorized in that regard.

HOME OF THE FRIENDLESS AND INFANTS' HOME:

(Corporate Seal)

SYLVIA A. DAME,  
*President.*

MARY WHELAN,  
*Secretary.*

HAMILTON HOSPITAL ASSOCIATES INC.:

(Corporate Seal)

GEO. F. CLARK,  
*President.*

J. F. STEPHENSON,  
*Secretary.*



## CHAPTER 115

## An Act respecting the City of London

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the City of London Preamble  
 by its petition has prayed for special legislation in  
 respect of the matters hereinafter set forth; and whereas it is  
 expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

**1.** All public schools, public school sites and public school Schools, etc.,  
vested in  
London  
board of  
education  
 equipment within the area of the Township of Westminster  
 annexed to the City of London by order of the Ontario Muni-  
 cipal Board, No. P.F.M.-667, dated the 6th day of October,  
 1953, which area is described as being those parts of Lots Nos.  
 Nineteen, Twenty and Twenty-one, in the Broken Front  
 Concession of the said Township, lying north of the northerly  
 limit of the opened and unopened allowance for road between  
 the Broken Front Concession and the First Concession of  
 the said Township and known as the Base Line Road, are  
 vested in The Board of Education for the City of London  
 as of the 1st day of January, 1954.

**2.** Section 2 of *The City of London Act, 1952* is amended by 1952, c. 124,  
s. 2,  
amended  
 inserting after the word "by-laws" in the first line the words  
 "without the assent of the municipal electors".

**3.—(1)** The Corporation is empowered to construct, oper- Skating  
rinks  
 ate and maintain outdoor skating rinks of natural or artificial  
 ice with necessary buildings and equipment and to pass by-  
 laws regulating the operation and use thereof, and for charging  
 fees for such use.

**(2)** The Corporation is empowered to delegate such powers Delegation  
of powers  
 or any of them to The Public Utilities Commission of the  
 City of London.

**4.** The council of the Corporation is empowered to use for Disposition  
of moneys  
raised for  
arena, etc.  
 the purposes mentioned in section 3 all or any part of any  
 moneys raised for the purposes of an arena, community

centre or coliseum pursuant to any prior legislation or prior levy, or to transfer all or any part of the said moneys so raised to the general funds of the municipality.

1887,  
c. 58, s. 1,  
re-enacted

**5.** Section 1 of *An Act respecting the General Hospital of the City of London*, being chapter 58 of the Statutes of Ontario, 1887, is repealed and the following substituted therefor:

Management  
of hospitals

1.—(1) The general management, operation, equipment and control of the hospitals of the City of London known as Victoria Hospital, London, and War Memorial Children's Hospital of the City of London are vested in and shall be exercised by a Board called The Board of Hospital Trustees of the City of London; nothing herein shall be deemed to empower the said Board to demolish buildings of the hospitals or to construct buildings upon the hospital sites without the authority in writing of The Corporation of the City of London, or to pledge the credit of the said Corporation.

By-laws,  
etc.  
Rev. Stat.,  
c. 307

(2) The said Board is empowered to enact by-laws and regulations subject to *The Public Hospitals Act* and not inconsistent with this Act for the regulation and organization of the said Board and for the management, operation and control of the said hospitals and the use thereof, and to which last-mentioned by-laws and regulations all persons making use of the said hospitals, or either of them, shall conform.

1952,  
c. 124, s. 3,  
subs. 1,  
amended

**6.**—(1) Subsection 1 of section 3 of *The City of London Act, 1952* is amended by adding thereto the following clause:

(e) to lease any or all of the Market Square for a period not exceeding thirty years to a private, non-profit corporation formed by local business men for the purpose of erecting thereon a combined Market and Parking Building at no cost to the Corporation but upon such terms and conditions and with such remuneration to the Corporation as may be mutually agreed upon by the Corporation and the non-profit corporation, provided the building shall be given to the City of London, without charge, and free of all encumbrances on the expiration of the said lease, or as soon as the cost of the building and operating expenses are recovered from the revenue therefrom, whichever shall first happen.

1952,  
c. 124, s. 3,  
subs. 2,  
amended

(2) Subsection 2 of the said section 3 is amended by inserting after the word "uses" in the first line the words "building or buildings".

**7.**—(1) The Corporation of the City of London is empowered to expend from current revenue of the years 1954 and 1955 a sum not exceeding in all \$20,000 for the purposes of celebrating the Centennial of the City's incorporation, such expenditure to be made by the Corporation or through a company or corporation incorporated under *The Companies Act* and controlled through the council of the Corporation. <sup>Expenditures for centennial</sup> <sup>Rev. Stat., c. 59</sup>

(2) The Corporation is empowered through its council, or through such company or corporation, to make contracts, grant concessions, arrange for and finance the Centennial celebration in all its phases. <sup>Powers of city</sup>

(3) Any surplus moneys arising from carrying out any of such powers shall be the property of and paid to the Corporation. <sup>Surplus funds</sup>

**8.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**9.** This Act may be cited as *The City of London Act, 1954*. <sup>Short title</sup>





CHAPTER 116

An Act to incorporate The London Foundation

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS the persons named in section 1 by their Preamble  
petition have represented that it is desirable and in  
the public interest to create a perpetual body to receive,  
maintain, manage, control and use donations for charitable  
purposes within Ontario; and whereas the petitioners have  
prayed that an Act be passed for such purposes; and whereas  
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** Walter Juxon Blackburn, Esq., Verschoyle Philip Foundation  
Cronyn, Esq., Roy Watt Robertson, Esq., Chester Reginald incorporated  
Rowntree, Esq., Edward Gordon Silverwood, Esq., Major-  
General Alexander Charles Spencer, C.B.E., E.D., LL.D.,  
and William Robert Yendall, Esq., all of the City of London  
in the County of Middlesex, and their successors as members  
of the Board of Directors of the Foundation, are hereby  
constituted a body corporate and politic without share capital  
under the name of The London Foundation, hereinafter called  
the Foundation.

**2.** The objects of the Foundation are to receive, maintain, Objects  
manage, control and use donations for charitable purposes  
within Ontario.

**3.—(1)** The Foundation shall be composed of the seven Members of  
members for the time being of the Board of Directors of the Foundation  
Foundation, hereinafter called the Board.

(2) The first members of the Board shall be: First Board

- (a) Roy Watt Robertson, Esq., and William Robert  
Yendall, Esq., who shall serve for one year;
- (b) Chester Reginald Rowntree, Esq., and Edward  
Gordon Silverwood, Esq., who shall serve for two  
years;

(c)

- (c) Walter Juxon Blackburn, Esq., Verschoyle Philip Cronyn, Esq., and Major-General Alexander Charles Spencer, C.B.E., E.D., LL.D., who shall serve for three years.

Remuneration and term of office

- (3) Members of the Board shall serve without remuneration and, subject to subsection 2, shall be appointed for a term of three years.

Re-appointment

- (4) No member of the Board shall be eligible for re-appointment until one year has elapsed after he ceases to hold office.

Vacancies

- (5) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 4.

Idem

- (6) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 4, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.

Composition of nominating committee

- 4.—(1) The nominating committee shall consist of the persons holding the following offices from time to time:

1. The Mayor of the City of London.
2. The Senior Judge of the County Court of the County of Middlesex.
3. The Chairman of the Board of Governors of the University of Western Ontario.
4. The President of the London Chamber of Commerce.
5. The President of the Middlesex Bar Association.

Meetings

- (2) The nominating committee shall meet annually or oftener upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy in the Board.

Rules

- (3) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it deems advisable.

Quorum

- (4) A quorum of the nominating committee for any meeting shall be not less than three of its members present in person, and a majority vote of all the members of the committee shall be required for the appointment of a member of the Board.

(5) If the nominating committee fails to appoint a person <sup>Appointment by Judge</sup> to fill a vacancy in the membership of the Board within sixty days after the vacancy occurs, the remaining members of the Board may apply to a judge of the Supreme Court to make the appointment, and the Judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he deems just.

**5.**—(1) The Board may pass by-laws not contrary to this <sup>Powers of Board</sup> Act to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation.

(2) Without limiting the generality of subsection 1, the <sup>Idem</sup> Board may pass by-laws,

- (a) regulating the calling of and the procedure at meetings of the Board, and fixing the time and place of such meetings;
- (b) fixing the quorum of the Board;
- (c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended <sup>Repeal and amendment of by-laws</sup> by the Board in accordance with such rules or regulations as it may prescribe by by-law.

(4) By-laws of the Board shall require the approval either <sup>Approval</sup> at a meeting or in writing of the majority of the members of the Board.

**6.** The Foundation is hereby empowered, <sup>Powers of Foundation</sup>

- (a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;
- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;
- (c) except as hereinafter provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;

(d)

- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board deems advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation;
- (g) to pay and apply the net income in each year from all funds held directly or indirectly by it toward such charitable purposes within Ontario as it deems advisable;
- (h) to pay, apply and distribute such portion as it deems advisable of the capital of the funds held directly or indirectly by it, to and for such charitable purposes within Ontario as it deems advisable, provided that, unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any period of four consecutive years, and provided further that no distribution of capital shall be made without the unanimous consent of all directors, given in person at a meeting of the Board or if not present at a meeting then in writing within the sixty days next after the meeting;
- (i) except as hereinafter provided, to control the management and investment of all its funds; provided that, where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, such trust company shall have the physical custody of such fund and, subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the Board; and provided further that the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies and there-



upon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;

- (j) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada; provided that the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion deems advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall under no circumstances be liable, nor shall any trust company or other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets as aforesaid or the investment of any such moneys in accordance with the power and authority given in this clause;
- (k) to employ such person or persons, including trust companies, and to take such other action, as it deems advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to, the income or capital, or both, of the funds of the Foundation as the Board deems advisable;
- (l) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium; and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it deems best;
- (m) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it deems just, expedient and proper.

Specific  
powers

**7.**—(1) The Foundation may accept donations either directly or indirectly subject to the condition that the income or capital or both thereof shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Proviso

(2) Subsection 1 applies only if the donation is also subject to the condition that after the expiration of a specific or indefinite period of time or at any time, there shall be a discretionary power vested in the Board to pay or apply the income or capital of the donation to some other charitable purpose or that, if the Board is satisfied that conditions are such as to render it impractical or inefficient to expend all or any part of such moneys for such specific purpose, then upon the unanimous approval of the members of the Board given either at a meeting or in writing within sixty days next after the meeting and within the limits of the discretionary power all or any part of such moneys may be paid and applied to such other charitable purposes as the Board deems advisable.

Idem

(3) If any such donation is made subject to the condition that the income or capital or both shall be paid and applied to a specific charitable organization for a specific period of time, and if such specific charitable organization ceases to exist within the specific period of time, then for the balance of the period the income or capital or both shall be applied to such other charitable purpose as is directed by a Judge of the Supreme Court in accordance with the laws in force from time to time in Ontario.

Form of  
words

**8.** Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

Nature of  
donations

**9.** The Foundation may accept a donation notwithstanding that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

Treatment  
of donations

**10.**—(1) Subject to subsection 2, all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund.

Idem

(2) In the case of a donation of \$25,000 or more, the donor may require that such donation be maintained as a separate fund, in which case in each year thereafter a separate accounting thereof shall be set out in the annual audited report.

(3) Unless otherwise directed by testamentary document or deed of trust or otherwise, all donations shall be publicly acknowledged, in the year following that in which they are made, by being set out in the annual audited report. <sup>Acknowledg-  
ments</sup>

(4) Unless otherwise directed by testamentary document or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in every year following their receipt by being set out in the annual audited report provided that if one person makes more than one donation then only the total of that person's donations, as they may be from time to time, need be shown. <sup>Idem</sup>

**11.**—(1) The Foundation shall cause an audit to be made at least once in every fiscal year, by an independent auditor who shall be either a Chartered Accountant or a Certified Public Accountant, of the receipts and disbursements of the funds of the Foundation. <sup>Audit</sup>

(2) The audit shall include all assets held by the Foundation or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, such trustee shall give an accounting thereof to the auditor of the Foundation in each year. <sup>Idem</sup>

(3) The Foundation shall cause to be published in the newspaper published in the City of London, Ontario, reputed to have the largest circulation therein, a certified statement by the auditor setting out the receipts and disbursements and capital assets of the Foundation or held in trust for the Foundation. <sup>Publication  
of statement</sup>

(4) The statement shall show separately the receipts and disbursements and capital assets of any fund which is held separately but with respect to other assets may show the same as a general fund. <sup>Contents of  
statement</sup>

(5) The statement shall set out in detail the purposes for which the income has been used and the expenses of the Foundation, all in accordance with good accounting practice. <sup>Idem</sup>

(6) The Board and any trust company or other trustee holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made. <sup>Information  
and inspec-  
tion</sup>

(7) The Foundation shall be subject in all respects to *The Charities Accounting Act*. <sup>Application  
of Rev. Stat.,  
c. 50</sup>

Limitation  
on powers

**12.** Any power conferred on the Foundation by this Act shall not be exercised in respect of any donation in contravention of any express provision to the contrary in the document of trust governing such donation.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** This Act may be cited as *The London Foundation Act, 1954*.

## CHAPTER 117

## An Act respecting the Town of Mimico

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the Town of Mimico by Preamble  
its petition has prayed for special legislation enabling  
it to establish a pension plan for its employees and the em-  
ployees of any board in the Town; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.**—(1) Subject to the approval of the Minister of Muni- Power to  
provide  
pensions  
cipal Affairs, by-laws may be passed by the council of The  
Corporation of the Town of Mimico for the purpose of pro-  
viding pensions for the employees of the Town or any board  
thereof, or any class of such employees, and their wives and  
children.

(2) "Board" includes any public utility commission, trans- Interpre-  
tation  
portation commission, public library board, board of park  
management, local board of health, board of commissioners of  
police, and any other board, commission, committee, body or  
other local authority established or exercising any power or  
authority under any general or special Act with respect to  
any of the affairs or purposes of the municipality or any portion  
thereof.

**2.** Subsection 1 of section 300 of *The Municipal Act* shall Rev. Stat.,  
c. 243, s. 300,  
subs. 1 not  
to apply  
not apply to any by-law passed under this Act or any debt  
incurred thereby.

**3.** Section 3 of *The County of York Act, 1937* is repealed. 1937,  
c. 106, s. 3,  
repealed

**4.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**5.** This Act may be cited as *The Town of Mimico Act, 1954*. Short title





## CHAPTER 118

## An Act respecting the City of Niagara Falls

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the City of Niagara Falls Preamble  
 by its petition has prayed for special legislation in  
 respect to tourist establishments as hereinafter set forth;  
 and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

**1.** In this Act, "tourist establishment" means any premises Interpreta-  
tion  
 operated for the accommodation of the travelling or vacation-  
 ing public within the meaning of the regulations passed under  
*The Tourist Establishments Act*, and includes tourist outfitters' Rev. Stat.,  
cc. 393, 153,  
211, 49, 306  
 camps under *The Game and Fisheries Act* and without limiting  
 the generality of the above meaning also includes those  
 premises commonly known as motels, motor courts, auto  
 courts, motor hotels and other businesses of a similar nature;  
 but does not include any premises licenced under *The Liquor*  
*Licence Act* or any camp operated by a charitable institution  
 within the meaning of *The Charitable Institutions Act*, or any  
 summer camp within the meaning of the regulations made  
 under *The Public Health Act*.

**2.** By-laws may be passed by the council of the Corporation Areas for  
tourist  
establish-  
ments  
 for classifying tourist establishments and for designating areas  
 of land to be used for tourist establishments; and for prohibit-  
 ing the construction of any classes of tourist establishments on,  
 and the use of, all other lands for such purposes.

**3.** By-laws may be passed by the said council for licensing, Licensing  
tourist  
establish-  
ments,  
etc.  
 regulating and governing tourist establishments, or any classes  
 thereof, and the keepers of tourist establishments, or any  
 classes thereof, and for fixing the fee to be charged for such  
 licences.

**4.** By-laws may be passed by the said council for prohibit- Tourist  
establish-  
ment signs,  
etc.  
 ing, regulating, standardizing and governing the erection and  
 use of signs, bill boards, sign posts, hanging or swinging signs  
 or other advertising devices for the advertising of tourist

establishments,

establishments, or any classes thereof, and for prescribing the character, size and location of any such signs.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The City of Niagara Falls Act, 1954*.

## CHAPTER 119

**An Act respecting the Town of Oakville**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the Town of Oakville by Preamble its petition has represented that the council of the Town has constructed as local improvements, pursuant to the petitions of the property owners concerned, the sidewalks described in Schedule A hereto, the watermains described in Schedule B hereto and the sewers described in Schedule C hereto, and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** By-law No. 1254 passed by The Corporation of the Town of Oakville on the 30th day of March, 1954, set forth as Schedule A hereto, authorizing the issue of debentures of the Corporation in the principal amount of \$42,757.22 to pay the cost of constructing certain sidewalks is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. <sup>Debenture by-law confirmed</sup>

**2.** By-law No. 1255 passed by The Corporation of the Town of Oakville on the 30th day of March, 1954, set forth as Schedule B hereto, authorizing the issue of debentures of the Corporation in the principal amount of \$96,903.00 to pay the cost of constructing certain watermains, including water service pipes to the respective street lines, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. <sup>Idem</sup>

**3.** By-law No. 1256 passed by The Corporation of the Town of Oakville on the 30th day of March, 1954, set forth as Schedule C hereto, authorizing the issue of debentures of the Corporation in the principal amount of \$282,146.46 to pay the cost of constructing certain sewers, including private drain connections to the respective street lines and an outlet sewer (siphon) across Sixteen Mile Creek, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. <sup>Idem</sup>

Application  
of Rev.  
Stat., c. 262,  
ss. 61-64

**4.** Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of By-laws Nos. 1254, 1255 and 1256 and the debentures to be issued thereunder.

Works  
deemed  
constructed  
under  
Rev. Stat.,  
c. 215

**5.** All of the sidewalks, watermains, water service pipes to the respective street lines, sewers, private drain connections to the respective street lines, and the outlet sewer (siphon) across Sixteen Mile Creek, described in the Schedules to By-laws Nos. 1254, 1255 and 1256 shall be deemed to have been constructed as local improvements under *The Local Improvement Act*.

Special  
assessment  
rolls

**6.** The council of the Corporation shall cause to be prepared special assessment rolls in respect of the owners' portion of the cost of each of such works, including all water service pipes and private drain connections to the respective street lines.

Courts of  
revision

**7.** When the special assessment rolls have been prepared, the council of the Corporation shall cause to be held courts of revision and shall cause notice of the courts of revision to be given to each owner of property abutting on such works or specially benefited by the outlet sewer (siphon) across Sixteen Mile Creek, and notice of such courts of revision to be published in accordance with the provisions of *The Local Improvement Act*.

Rev. Stat.,  
c. 215

When  
special  
assessment  
roll to  
be final

**8.** The clerk of the Corporation shall make such corrections in the special assessment rolls in respect of each of such works as are necessary to give effect to the decisions of the courts of revision, and such rolls when so corrected shall be certified by the clerk, and when so certified, except in so far as they may be further amended on appeal to the judge of the county court, such rolls and the special assessments shall be valid and binding upon all persons concerned and upon the lands specially assessed and the works in respect of which such special assessment rolls have been made and certified shall be conclusively deemed to have been lawfully undertaken and proceeded with pursuant to and in accordance with the provisions of *The Local Improvement Act*.

Special  
assessments

**9.—(1)** When the special assessments have become valid and binding in accordance with section 8, the council of the Corporation is authorized to impose by by-law passed with the approval of the Ontario Municipal Board the special assessments set forth in the special assessment rolls upon the lands liable therefor as therein set forth.

Term

**(2)** The special assessments in respect of the sidewalks with a sum sufficient to cover interest thereon at the rate of 5 per cent per annum shall be payable in fifteen equal annual instalments.



(3) The special assessments in respect of the watermains, <sup>Idem</sup> including all water service pipes to the respective street lines, with a sum sufficient to cover interest thereon at the rate of 5 per cent per annum shall be payable in twenty equal annual instalments.

(4) The special assessments in respect of the sewers, in- <sup>Idem</sup> cluding all private drain connections to the respective street lines and the outlet sewer (siphon) across Sixteen Mile Creek, with a sum sufficient to cover interest thereon at the rate of 5 per cent per annum shall be payable in twenty equal annual instalments.

(5) The by-law imposing such special assessments shall provide that the first special assessment in respect of each work shall be payable on the 2nd day of January in the third year after the construction of the work was completed and all such special assessments payable prior to the year 1954 shall be deemed to have been paid by the property owners concerned. <sup>First assessments</sup>

**10.** The owners of property in respect of which private drain connections to the respective street lines were constructed, <sup>Cost of private drain connections</sup>

- (a) shall be charged \$30 for each such private drain connection where it was constructed before the 21st day of April, 1952; and
- (b) shall be charged the actual cost of each such private drain connection where it was constructed after that date.

**11.** The provisions of *The Local Improvement Act*, subject to all by-laws, resolutions and agreements of the Corporation in effect on the respective dates the construction of each such work was commenced, except where inconsistent with this Act, shall apply to the preparation of such special assessment rolls, the holding of courts of revision, and any other proceedings to be taken under this Act, provided, <sup>Application of Rev. Stat., c. 215</sup>

- (a) that the owners' portion of the cost of the sidewalks described in By-law No. 1254 shall not exceed \$38,053.99;
- (b) that the owners' portion of the cost of the watermains, including all water service pipes to the respective street lines, described in By-law No. 1255 shall not exceed \$80,569.85; and
- (c) that the owners' portion of the cost of the sewers and the outlet sewer (siphon) across Sixteen Mile Creek described in By-law No. 1256 shall not exceed

\$204,360.01 plus the owners' portion of the cost of all private drain connections to the respective street lines determined in accordance with the provisions of section 10.

Special  
rates for  
interest

**12.** The council of the Corporation shall levy and raise in each of the years 1954, 1955 and 1956 by a special rate over and above all other rates on all the rateable property in the Town of Oakville at the same time and in the same manner as other rates the sum of \$16,583.23 and shall apply such sums in repayment of the indebtedness of the Corporation amounting to \$45,802.49 as at the 31st day of December, 1953, incurred in respect of temporary loans to pay the cost of construction of the local improvement works referred to in this Act.

Special  
rates for  
lake-shore  
protecting  
wall

**13.** The council of the Corporation shall levy and raise in each of the years 1954, 1955 and 1956 by a special rate over and above all other rates on all the rateable property in the Town of Oakville at the same time and in the same manner as other rates the sum of \$9,844.60 and shall apply such sums in repayment of the indebtedness of the Corporation amounting to \$27,190.20 as at the 31st day of December, 1953, incurred in connection with the construction of protecting walls on the lake front from the Eighth Line to Park Avenue and from Dundas Street to Dunn Street.

Commence-  
ment

**14.** This Act comes into force on the day it receives Royal Assent.

Short title

**15.** This Act may be cited as *The Town of Oakville Act, 1954*.

## SCHEDULE A

## THE CORPORATION OF THE TOWN OF OAKVILLE

## BY-LAW NUMBER 1254

A By-law to authorize the issue of Debentures in the principal amount of \$42,757.22 to pay the cost of constructing certain sidewalks as local improvements.

WHEREAS The Corporation of the Town of Oakville has constructed as local improvements on petition the sidewalks shown in Schedule "A" hereto and the respective costs of such sidewalks are as set out in said Schedule;

AND WHEREAS it is deemed necessary for the purpose of paying the cost of construction of such sidewalks to borrow money by the issue of Debentures of the Corporation in the principal amount of \$42,757.22 bearing interest at the rate of 5% per annum, which is the amount of the debt intended to be created by this By-law;

AND WHEREAS it is expedient to make the principal of the said debt repayable during a period of fifteen years in the respective principal amounts set out in Schedule "B" hereto;

AND WHEREAS the amount of the whole rateable property of the Corporation according to the last revised assessment roll is \$13,873,167.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation is \$2,584,640.84, and no part of the principal or interest is in arrear.

NOW THEREFORE, The Municipal Council of The Corporation of the Town of Oakville enacts as follows:

1. That for the purpose aforesaid money shall be borrowed upon the credit of the Corporation at large by the issue and sale of Debentures of the said Corporation in the principal amount of \$42,757.22 and such Debentures shall be issued in sums of not less than \$500, each bearing interest at the rate of 5% per annum and having coupons attached thereto for the payment of such interest annually.

2. That the Debentures shall all be dated the 2nd day of January, 1954, shall be payable in fifteen annual instalments on the 2nd day of January in each of the years 1955 to 1969, both inclusive, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule "B" hereto annexed, which is hereby declared to be and to form part of this By-law.

3. That the said Debentures as to both principal and interest shall be payable in lawful money of Canada at the principal office of The Bank of Toronto in the Cities of Toronto or Montreal or at the office of the said Bank in the Town of Oakville, at the holder's option.

4. That the Mayor of the Corporation shall sign and issue the Debentures and the said Debentures and the interest coupons shall be signed by the Treasurer of the Corporation and the Debentures shall be sealed with the Seal of the Corporation. The signature of the Treasurer on the interest coupons may be written, stamped, lithographed or engraved.

5. That in each year of the currency of the Debentures there shall be levied and raised annually by a special rate sufficient therefor over and above all other rates on all the rateable property in the Town of Oakville at the same time and in the same manner as other rates the amount falling due for principal and interest in that year as set forth in said Schedule "B", provided that the amounts to be levied hereunder may be reduced in any year by the amounts collected by the Town in respect of special assessments imposed by By-law of the said Corporation to be passed pursuant to the provisions of *The Town of Oakville Act, 1954*.

6. That the Debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal Debentures in force at the time of the issue thereof.

7. That the Corporation shall have the right at its option to redeem the Debentures falling due in the year 1969 as shown in the said Schedule "B" on any date prior to the maturity thereof at the places where and in the money in which the said Debentures are expressed to be payable upon payment of the principal amount thereof and accrued interest thereon to the date of redemption and upon giving notice of its intention to redeem by publication once in *The Ontario Gazette*, once in a daily newspaper of general provincial circulation published in the City of Toronto, and once in a local newspaper, such publications to be made at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a Debenture so to be redeemed is registered at the address shown in the Debenture Registry Book.

8. That this By-law shall not take effect until the By-law has been confirmed by an Act of the Legislative Assembly of the Province of Ontario.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED the 30th day of March, 1954.

(Seal)

L. MCARTHUR, *Mayor.*  
C. H. BYERS, *Clerk.*

Schedule "A"  
SIDEWALKS

1. Street	2. From	3. To	4. Total Cost Excluding Interest
Burnett Street.....	Brant Street.....	Brock Street.....	\$ 577.62
Brock Street S.....	Colborne.....	Burnett.....	1,042.82
Brock Street S.....	Colborne.....	Burnett.....	1,144.31
Carolyn Drive.....	Riverside.....	706' North.....	1,662.44
Carolyn Drive.....	Riverside.....	Lane 652.7'.....	1,537.02
Crescent Road.....	Queen Mary.....	Highland.....	1,546.78
Crescent Road.....	Queen Mary.....	Highland.....	1,760.44
Deane Avenue.....	Felan.....	491.5' East.....	1,379.43
Elmwood Road.....	Kerr.....	West Limit—Plan 352.....	2,094.44
Elmwood Road.....	Kerr.....	West Limit—Plan 352.....	1,861.83
Highland Road.....	Queen Mary.....	Carolyn.....	1,633.80
Highland Road.....	Queen Mary.....	Carolyn.....	1,789.91
Maple Avenue.....	Watson.....	316' 2½" East.....	605.20
Maple Avenue.....	Watson.....	345.7' East.....	661.17
Queen Mary.....	Bond.....	Lot 7, Plan 412.....	8,034.77
Riverside.....	Queen Mary.....	Oakwood.....	2,816.30
Riverside.....	Queen Mary.....	N. Limit—Lot 32, Plan 347.....	3,415.83
Riverside.....	Queen Mary.....	N. Limit—Lot 32, Plan 347.....	1,494.92
Stewart Street E.....	Kerr.....	Queen Mary.....	2,606.22
Stewart Street E.....	Kerr.....	Queen Mary.....	2,812.12
Washington.....	Kerr.....	Queen Mary.....	2,279.85
			<u>\$42,757.22</u>



*Schedule "B"*

Year	Principal	Interest	Total Annual Payment
1955.....	\$ 1,757.22	\$ 2,137.86	\$ 3,895.08
1956.....	2,000.00	2,050.00	4,050.00
1957.....	2,000.00	1,950.00	3,950.00
1958.....	2,500.00	1,850.00	4,350.00
1959.....	2,500.00	1,725.00	4,225.00
1960.....	2,500.00	1,600.00	4,100.00
1961.....	2,500.00	1,475.00	3,975.00
1962.....	3,000.00	1,350.00	4,350.00
1963.....	3,000.00	1,200.00	4,200.00
1964.....	3,000.00	1,050.00	4,050.00
1965.....	3,000.00	900.00	3,900.00
1966.....	3,500.00	750.00	4,250.00
1967.....	3,500.00	575.00	4,075.00
1968.....	4,000.00	400.00	4,400.00
1969.....	4,000.00	200.00	4,200.00
	<u>\$42,757.22</u>	<u>\$19,212.86</u>	<u>\$61,970.08</u>

## SCHEDULE B

## THE CORPORATION OF THE TOWN OF OAKVILLE

## By-Law NUMBER 1255

A By-law to authorize the issue of Debentures in the principal amount of \$96,903.00 to pay the cost of constructing certain watermains including water service pipes to the respective street lines as local improvements.

WHEREAS The Corporation of the Town of Oakville has constructed as local improvements on petition the watermains, including water service pipes to the respective street lines, shown in Schedule "A" hereto and the respective costs of such watermains are as set out in said Schedule;

AND WHEREAS it is deemed necessary for the purpose of paying the cost of such watermains, including water service pipes to the respective street lines, to borrow money by the issue of Debentures of the Corporation in the principal amount of \$96,903.00 bearing interest at the rate of 5% per annum, which is the amount of the debt intended to be created by this By-law.

AND WHEREAS it is expedient to make the principal of the said debt repayable during a period of twenty years in the respective principal amounts set out in Schedule "B" hereto;

AND WHEREAS the amount of the whole rateable property of the Corporation according to the last revised assessment roll is \$13,873,167.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation is \$2,584,640.84, and no part of the principal or interest is in arrear;

AND WHEREAS the source of the water supply and the plans and specifications of said watermains have been approved by the Department of Health for Ontario.

NOW THEREFORE, the Municipal Council of The Corporation of the Town of Oakville enacts as follows:

1. That for the purpose aforesaid money shall be borrowed upon the credit of the Corporation at large by the issue and sale of Debentures of the said Corporation in the principal amount of \$96,903.00 and such Debentures shall be issued in sums of not less than \$500 each bearing interest at the rate of 5% per annum and having coupons attached thereto for the payment of such interest annually.

2. That the Debentures shall all be dated the 2nd day of January, 1954, shall be payable in twenty annual instalments on the 2nd day of January in each of the years 1955 to 1974, both inclusive, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule "B" hereto annexed, which is hereby declared to be and to form part of this By-law.

3. That the said Debentures as to both principal and interest shall be payable in lawful money of Canada at the principal office of The Bank of Toronto in the Cities of Toronto or Montreal or at the office of the said Bank in the Town of Oakville, at the holder's option.

4. That the Mayor of the Corporation shall sign and issue the Debentures and the said Debentures and the interest coupons shall be signed by the Treasurer of the Corporation and the Debentures shall be sealed with the Seal of the Corporation. The signature of the Treasurer on the interest coupons may be written, stamped, lithographed or engraved.

5. That in each year of the currency of the Debentures there shall be levied and raised annually by a special rate sufficient therefor over and

above

above all other rates on all the rateable property in the Town of Oakville at the same time and in the same manner as other rates the amount falling due for principal and interest in that year as set forth in said Schedule "B", provided that the amounts to be levied hereunder may be reduced in any year by the amounts collected by the Town in respect of special assessments imposed by By-law of the said Corporation to be passed pursuant to the provisions of *The Town of Oakville Act, 1954*.

6. That the Debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal Debentures in force at the time of the issue thereof.

7. That the Corporation shall have the right at its option to redeem the Debentures falling due in the year 1974 as shown in the said Schedule "B" on any date prior to the maturity thereof at the places where and in the money in which the said Debentures are expressed to be payable upon payment of the principal amount thereof and accrued interest thereon to the date of redemption and upon giving notice of its intention to redeem by publication once in *The Ontario Gazette*, once in a daily newspaper of general provincial circulation published in the City of Toronto, and once in a local newspaper, such publications to be made at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a Debenture so to be redeemed is registered at the address shown in the Debenture Registry Book.

8. That this By-law shall not take effect until the By-law has been confirmed by an Act of the Legislative Assembly of the Province of Ontario.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED the 30th day of March, 1954.

(Seal)

L. McARTHUR, *Mayor.*  
C. H. BYERS, *Clerk.*

## Schedule "A"

## WATERMAINS—INCLUDING WATER SERVICE PIPES TO STREET LINES

1. Street	2. From	3. To	4. Total Cost Excluding Interest
Bartos Drive.....	Stewart Street E.....	Oakwood School.....	\$ 2,692.26
Bartos Drive.....	Oakwood School.....	Lots 16 and 17, Plan 465.....	6,039.08
Carolyn Drive.....	Highland.....	Forster Park.....	1,082.88
Cowan Avenue.....	Inglewood.....	Kerr.....	515.36
Elmwood Road.....	Maurice Drive.....	273.3' Easterly.....	1,491.80
Felan Avenue.....	Deane.....	Brock Street N.....	6,396.71
Felan Avenue.....	Herald.....	Stewart.....	5,429.63
Forster Park Crescent.....	Queen Mary.....	Riverside.....	23,568.09
Glenmanor Drive.....	Queen Mary.....	Forster Park.....	5,275.52
Hawthorne Road.....	Felan.....	Inglewood.....	3,027.19
Inglewood Drive.....	Hawthorne.....	Hawthorne.....	6,389.35
Kingswood Road.....	Queen Mary.....	791.1' East.....	2,981.67
Kingswood Road.....	Forster Park.....	Lots 79 and 96, Plan 412.....	3,860.48
Lakewood Drive.....	Brookfield.....	1000' West.....	5,699.33
Oakwood Crescent.....	Lot 178.....	Forster Park Crescent.....	723.61
Prince Charles and Princess Anne.....	Kerr Street.....	Plan Limits.....	6,984.55
Riverside Drive.....	Queen Mary.....	1054.1'.....	3,894.52
Riverside Drive.....	Forster Park.....	Lots 27 and 54, Plan 412.....	7,681.92
Stewart Street W.....	Maurice.....	415.1' East.....	3,169.05
			<u>\$96,903.00</u>

*Schedule "B"*

Year	Principal	Interest	Total Annual Payment
1955.....	\$ 2,903.00	\$ 4,845.15	\$ 7,748.15
1956.....	3,000.00	4,700.00	7,700.00
1957.....	3,000.00	4,550.00	7,550.00
1958.....	3,500.00	4,400.00	7,900.00
1959.....	3,500.00	4,225.00	7,725.00
1960.....	3,500.00	4,050.00	7,550.00
1961.....	4,000.00	3,875.00	7,875.00
1962.....	4,000.00	3,675.00	7,675.00
1963.....	4,500.00	3,475.00	7,975.00
1964.....	4,500.00	3,250.00	7,750.00
1965.....	5,000.00	3,025.00	8,025.00
1966.....	5,000.00	2,775.00	7,775.00
1967.....	5,500.00	2,525.00	8,025.00
1968.....	5,500.00	2,250.00	7,750.00
1969.....	6,000.00	1,975.00	7,975.00
1970.....	6,000.00	1,675.00	7,675.00
1971.....	6,500.00	1,375.00	7,875.00
1972.....	6,500.00	1,050.00	7,550.00
1973.....	7,000.00	725.00	7,725.00
1974.....	7,500.00	375.00	7,875.00
	<u>\$96,903.00</u>	<u>\$58,795.15</u>	<u>\$155,698.15</u>



## SCHEDULE C

## THE CORPORATION OF THE TOWN OF OAKVILLE

## By-LAW NUMBER 1256

A By-law to authorize the issue of Debentures in the principal amount of \$282,146.46 to pay the cost of constructing certain sewers, including private drain connections to the respective street lines and an outlet sewer (siphon) across Sixteen Mile Creek.

WHEREAS The Corporation of the Town of Oakville has constructed as local improvements on petition the sewers, including private drain connections to the respective street lines and an outlet sewer (siphon) across Sixteen Mile Creek, shown in Schedule "A" hereto and the respective costs of such sewers are as set out in said Schedule;

AND WHEREAS it is deemed necessary for the purpose of paying the cost of such sewers, including private drain connections to the respective street lines and an outlet sewer (siphon) across Sixteen Mile Creek, to borrow money by the issue of Debentures of the Corporation in the principal amount of \$282,146.46 bearing interest at the rate of 5% per annum, which is the amount of the debt intended to be created by this By-law;

AND WHEREAS it is expedient to make the principal of the said debt repayable during a period of twenty years in the respective principal amounts set out in Schedule "B" hereto;

AND WHEREAS the amount of the whole rateable property of the Corporation according to the last revised assessment roll is \$13,873,167.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation is \$2,584,640.84, and no part of the principal or interest is in arrear;

AND WHEREAS the plans and specifications of the said sewers have been approved by the Department of Health for Ontario.

NOW THEREFORE, the Municipal Council of The Corporation of the Town of Oakville enacts as follows:

1. That for the purpose aforesaid money shall be borrowed upon the credit of the Corporation at large by the issue and sale of Debentures of the said Corporation in the principal amount of \$282,146.46 and such Debentures shall be issued in sums of not less than \$100 each bearing interest at the rate of 5% per annum and having coupons attached thereto for the payment of such interest annually.

2. That the Debentures shall all be dated the 2nd day of January, 1954, shall be payable in twenty annual instalments on the 2nd day of January in each of the years 1955 to 1974, both inclusive, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule "B" hereto annexed, which is hereby declared to be and to form part of this By-law.

3. That the said Debentures as to both principal and interest shall be payable in lawful money of Canada at the principal office of The Bank of Toronto in the Cities of Toronto or Montreal or at the office of the said Bank in the Town of Oakville, at the holder's option.

4. That the Mayor of the Corporation shall sign and issue the Debentures and the said Debentures and the interest coupons shall be signed by the Treasurer of the Corporation and the Debentures shall be sealed with the Seal of the Corporation. The signature of the Treasurer on the interest coupons may be written, stamped, lithographed or engraved.

5. That in each year of the currency of the Debentures there shall be levied and raised annually by a special rate sufficient therefor over and

above

above all other rates on all the rateable property in the Town of Oakville at the same time and in the same manner as other rates the amount falling due for principal and interest in that year as set forth in said Schedule "B", provided that the amounts to be levied hereunder may be reduced in any year by the amounts collected by the Town in respect of special assessments imposed by By-law of the said Corporation to be passed pursuant to the provisions of *The Town of Oakville Act, 1954*.

6. That the Debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal Debentures in force at the time of the issue thereof.

7. That the Corporation shall have the right at its option to redeem the Debentures falling due in the year 1974 as shown in the said Schedule "B" on any date prior to the maturity thereof at the places where and in the money in which the said Debentures are expressed to be payable upon payment of the principal amount thereof and accrued interest thereon to the date of redemption and upon giving notice of its intention to redeem by publication once in *The Ontario Gazette*, once in a daily newspaper of general provincial circulation published in the City of Toronto, and once in a local newspaper, such publications to be made at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a Debenture so to be redeemed is registered at the address shown in the Debenture Registry Book.

8. That this By-law shall not take effect until the By-law has been confirmed by an Act of the Legislative Assembly of the Province of Ontario.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED the 30th day of March, 1954.

(Seal)

L. McARTHUR,                      *Mayor.*  
C. H. BYERS,                      *Clerk.*

Schedule "A"  
SANITARY SEWERS (WITHIN OUTLET SEWER AREA)  
INCLUDING PRIVATE DRAIN CONNECTIONS TO THE STREET LINES AND OUTLET SEWER (SIPHON) ACROSS  
SIXTEEN MILE CREEK

1. Street	2. From	3. To	4. Total Cost Excluding Interest
Bartos Drive.....	Stewart.....	Oakwood School.....	\$ 4,138.38
Bartos Drive.....	Oakwood School.....	Lots 16 and 17, Plan 465.....	10,084.77
Carolyn Drive (Part).....	Highland.....	Forster Park Crescent.....	1,181.13
Carolyn Drive.....	Highland.....	Riverside.....	4,250.83
Carolyn Drive (Part).....	Highland.....	Forster Park Crescent.....	3,684.71
Crescent Road.....	Queen Mary.....	Highland.....	4,815.21
Forster Park Crescent.....	Riverside Drive S.....	Kingswood.....	7,309.32
Forster Park Crescent (Part).....	Oakwood.....	Glen Manor and Queen Mary.....	9,589.83
Forster Park Crescent (Part).....	Oakwood.....	Glen Manor and Queen Mary.....	3,559.63
Forster Park Crescent (Part).....	Oakwood.....	Glen Manor and Queen Mary.....	2,421.63
Glenmanor Drive.....	Queen Mary.....	Forster Park Crescent.....	7,899.49
Highland Road.....	Queen Mary.....	Carolyn.....	9,758.64
Kingswood Road.....	Queen Mary.....	Forster Park Crescent.....	10,674.84
Oakwood Crescent.....	Riverside.....	Lot 178, Plan 347.....	9,623.81
Oakwood Crescent.....	Lot 178.....	Forster Park Crescent.....	1,231.26
Queen Mary Drive.....	Riverside Drive N.....	South Limits of Queen Mary.....	6,810.81
Queen Mary Drive.....	Stewart.....	Riverside Drive N.....	13,789.76
Queen Mary Drive (Part).....	160' South of Riverside.....	Stewart.....	8,930.32
Queen Mary Drive (Part).....	160' South of Riverside.....	Stewart.....	3,711.96
Riverside Drive.....	Lots 5 and 87, 88.....	Carolyn.....	6,109.53
Riverside Drive.....	Carolyn.....	Oakwood.....	3,776.12
Riverside Drive.....	Oakwood.....	Forster Park Crescent.....	12,007.98
Riverside Drive.....	Queen Mary.....	200' Easterly.....	1,657.44
Riverside Drive.....	Forster Park.....	Queen Mary.....	16,047.17
Washington Avenue.....	Queen Mary.....	770' West.....	5,911.92
Carried Forward			\$168,976.49

## Schedule "A"—Continued

SANITARY SEWERS (OUTSIDE OUTLET SEWER AREA)  
INCLUDING PRIVATE DRAIN CONNECTION TO THE STREET LINES

1. Street	2. From	3. To	4. Total Cost Excluding Interest
		Carried Forward	\$168,976.49
Gross Avenue.....	Seventh Line.....	Sixth Line.....	18,705.79
Deane Avenue.....	Felan.....	Lots 48 and 11, Plan 161.....	5,702.77
Elmwood Road.....	Lot 6, Plan 419.....	295.5' West.....	3,262.72
Elmwood Road.....	Kerr Street.....	West Limit, Plan 352.....	4,067.95
Felan Avenue, Brock Street, and Rebecca Street.....	Deane Avenue.....	118' North of Colborne.....	8,715.15
Felan Avenue.....	Deane Avenue.....	Herald.....	5,022.21
Felan Avenue.....	Herald.....	Stewart.....	8,063.22
Hawthorne Drive.....	Felan.....	Inglewood.....	4,763.00
Herald Avenue.....	Felan.....	Lot 10, Plan 161.....	2,379.83
Inglewood Drive.....	Hawthorne.....	Hawthorne.....	7,311.97
MacDonald Avenue.....	Felan.....	Lots 89 and 60, Plan 161.....	7,792.38
Maple Avenue.....	Watson.....	386' East.....	2,817.90
Pine Avenue.....	Allan.....	Watson.....	12,741.62
Prince Charles Drive and Princess Anne Crescent.....	Plan Limits.....		11,747.32
Stewart Street W.....	Felan.....	Maurice.....	4,630.06
Watson Avenue.....	Pine.....	240' South.....	4,348.18
Watson Avenue.....	Spruce.....	Maple.....	1,097.90
			<u>\$282,146.46</u>

*Schedule "B"*

Year	Principal	Interest	Total Annual Payment
1955.....	\$ 8,146.46	\$ 14,107.32	\$ 22,253.78
1956.....	9,000.00	13,700.00	22,700.00
1957.....	9,000.00	13,250.00	22,250.00
1958.....	10,000.00	12,800.00	22,800.00
1959.....	10,000.00	12,300.00	22,300.00
1960.....	11,000.00	11,800.00	22,800.00
1961.....	11,000.00	11,250.00	22,250.00
1962.....	12,000.00	10,700.00	22,700.00
1963.....	13,000.00	10,100.00	23,100.00
1964.....	13,000.00	9,450.00	22,450.00
1965.....	14,000.00	8,800.00	22,800.00
1966.....	15,000.00	8,100.00	23,100.00
1967.....	15,000.00	7,350.00	22,350.00
1968.....	16,000.00	6,600.00	22,600.00
1969.....	17,000.00	5,800.00	22,800.00
1970.....	18,000.00	4,950.00	22,950.00
1971.....	19,000.00	4,050.00	23,050.00
1972.....	20,000.00	3,100.00	23,100.00
1973.....	21,000.00	2,100.00	23,100.00
1974.....	21,000.00	1,050.00	22,050.00
	<u>\$282,146.46</u>	<u>\$171,357.32</u>	<u>\$453,503.78</u>





## CHAPTER 120

**An Act respecting the City of Ottawa**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the City of Ottawa by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Ottawa City Transportation Act*, as <sup>1920,</sup> amended by section 2 of *The City of Ottawa Act, 1948*, is <sup>c. 132, s. 2,</sup> re-enacted <sup>re-enacted</sup> repealed and the following substituted therefor:

- 2.—(1) The Council may by by-law establish a commis- <sup>Establish-</sup>  
 sion under the name of Ottawa Transportation Com- <sup>ment of</sup>  
 mission which shall be a body corporate and shall <sup>Commission</sup>  
 consist of the Mayor of the City of Ottawa and three  
 other members each of whom shall be a resident  
 and a ratepayer of the City of Ottawa.
- (2) The appointed members of the Commission shall be <sup>Appoint-</sup>  
 appointed by the Council upon the nomination of <sup>ments</sup>  
 the Board of Control.
- (3) The three existing members of the Commission are <sup>Existing</sup>  
 confirmed in office for the terms for which they have <sup>members</sup>  
 been appointed. <sup>continued</sup>
- (4) Whenever the term of office of an appointed member <sup>Vacancies</sup>  
 of the Commission expires, the Council shall, as set <sup>by expira-</sup>  
 out in subsection 2, appoint as member some qualified <sup>tion of</sup>  
 person who shall hold office for three years from the <sup>term of</sup>  
 date of his appointment and nominations for mem- <sup>office</sup>  
 bership shall be submitted to the Council at the  
 first meeting in December of the year in which the  
 term of office expires.

- |   |  |
|---|--|
| Term of office                            | (5) An appointed member of the Commission shall hold office until his successor is appointed.  |
| Vacancies                                 | (6) Whenever the office of an appointed member of the Commission becomes vacant during his term of office, the Council shall, as set out in subsection 2, appoint as member some qualified person who shall hold office for the remainder of the term for which his immediate predecessor was appointed.                             |
| Failure of nomination by Board of Control | (7) In the event of the Board of Control failing to submit a nomination to the Council, in accordance with subsection 4, or within one month after a vacancy referred to in subsection 6 has occurred, the Council may, on the vote of two-thirds of the members of the Council present and voting, nominate and appoint the member. |
| Re-appointments                           | (8) An appointed member of the Commission shall, on the expiration of his term of office, be eligible to be re-appointed thereto, provided he is then a resident and a ratepayer of the City of Ottawa and is not otherwise disqualified.  |
| Remuneration                              | (9) The members of the Commission may be paid such salary or other remuneration as may be fixed by by-law of the Council and the by-law may provide for penalizing members of the Commission for non-attendance at meetings by deduction from the member's salary or remuneration.   |
| Council members disqualified              | (10) No member of the Council shall be appointed a member of the Commission.   |
| Quorum                                    | (11) Two voting members of the Commission shall constitute a quorum for the transaction of business.   |
| Mayor not to vote                         | (12) The Mayor shall not be entitled to a vote at meetings of the Commission.  |

Paying taxes, etc., by instalments  
Rev. Stat., c. 24

2. Notwithstanding the provisions of *The Assessment Act* the council of The Corporation of the City of Ottawa may pass by-laws for requiring municipal taxes and rates of every description and all charges payable as taxes to be paid in such instalments and at such times, before or after the date on which the tax rates for the current year are imposed, as the council may determine; for providing that the instalments payable before such date shall be calculated at the tax rates imposed in the next preceding year, subject to adjustment in instalments payable after the tax rates for the current year are

imposed;

imposed; and for imposing the same penalties and interest for non-payment of any instalment as are provided by *The Assessment Act* for non-payment of taxes. Rev. Stat., c. 24

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The City of Ottawa Act, 1954*. Short title





## CHAPTER 121

## An Act respecting the Town of Palmerston

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the Town of Palmerston Preamble  
 by its petition has represented that it is expedient and  
 desirable that the number of trustees comprising the Palmer-  
 ston Hospital Commission be increased from three to nine;  
 and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario  
 enacts as follows:

**1.** Section 4 of *The Town of Palmerston Hospital Act, 1927* 1927, c. 121,  
s. 4,  
re-enacted  
 is repealed and the following substituted therefor:

4.—(1) The conduct, control and management of the Palmerston  
Hospital  
Commission  
 affairs of the said hospital, while operated as a  
 general hospital, shall be vested in and exercised by  
 a board of nine trustees to be known as the “Palmer-  
 ston Hospital Commission” to be appointed by  
 the council of The Corporation of the Town of Palmer-  
 ston, each of whom shall be appointed to serve  
 for a period of one year from the 1st day of February  
 in the year in which the appointment is made, but  
 not more than one member of the council of The  
 Corporation of the Town of Palmerston shall be  
 eligible for appointment as a hospital trustee.

(2) A member of the staff of the said hospital shall not be Staff not  
eligible  
 eligible for appointment as a trustee.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment  
 Assent.

**3.** This Act may be cited as *The Town of Palmerston* Short title  
*Hospital Act, 1954.*



## CHAPTER 122

**An Act respecting the City of Peterborough  
(No. 1)**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the City of Peterborough Preamble  
by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** The purchases of the lands more particularly described in Purchases  
by City  
validated  
Registered Instruments Numbered 13657, 13658, 13659, 13663,  
13751, 12875, 12876 and 14403 for the Township of North  
Monaghan from Ernest Dixon Adamson, Arthur F. Stenson,  
James Miller Anderson and Clara Maud Anderson, Rose  
Minicola and Pietro Fisico and Vittorio Fisico, and Archibald  
Patterson, respectively, to The Corporation of the City of  
Peterborough are ratified, confirmed and declared to be legal,  
valid and binding, and each conveyance of the said lands to  
The Corporation of the City of Peterborough shall be deemed  
to have had the effect of vesting the said lands in the Cor-  
poration in fee simple, and the lands so purchased shall be  
deemed to have been acquired for the purposes of the Cor-  
poration.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**3.** This Act may be cited as *The City of Peterborough Act*, Short title  
1954 (No. 1).



## CHAPTER 123

**An Act respecting the City of  
Peterborough (No. 2)**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the City of Peterborough Preamble  
by its petition has represented that by *The City of* 1945, c. 33  
*Peterborough Act, 1945* provision was made for the acquisition  
by the Corporation of lands to provide proper facilities  
for recreation and sports for the children, youth and industrial  
workers and citizens of the City of Peterborough and a forum  
for public gatherings; and that By-law No. 4399 passed by the  
council of the Corporation on the 30th day of October,  
1944, set out as Schedule A to the said Act, authorizing  
the execution of an agreement between the Corporation and  
the Peterborough Memorial Community Centre to provide  
for the general management, regulation and control of the  
community centre was by the said Act confirmed and vali-  
dated; and that by Deed dated the 3rd day of January, 1938,  
and registered in the Registry Office for the Registry Division  
of the County of Peterborough as No. 10420 for the City  
of Peterborough, the lands now situated in the City of Peter-  
borough and composed of Park Lots numbers 18, 19 and 20  
in Township Lot number 14 in the eleventh concession of  
the Township of Monaghan, and now known as the R. A.  
Morrow Memorial Park, were conveyed to certain trustees  
who, and whose successors appointed as in the said Deed  
provided, hold the said lands upon the trusts set forth in the  
said Deed; and whereas the Corporation has further repre-  
sented that it is in the public interest that a portion of the  
said lands be acquired by the Corporation for the uses con-  
templated in the said Act and in the by-law and agreement in  
the said Act referred to, and that the erection of the com-  
munity centre on a portion of said lands in furtherance of the  
purposes of said by-law and agreement is desired in the  
public interest and that the whole of the said lands are not  
needed for the purpose of adequately carrying out the intent  
of the Grantor as expressed in the said Deed; and that Peter-  
borough Industrial Society is the primary beneficiary of the  
trusts created in and by the said Deed and that the Society  
has signified to the Corporation the Society's consent to the  
acquisition and use of a part of the said lands by the Cor-  
poration for the purposes aforesaid; and that the said com-  
munity



munity centre will also be available for the use of the Peterborough Industrial Society as may from time to time be agreed upon between the Board of Trustees of the Peterborough Memorial Community Centre and the Peterborough Industrial Society; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to convey part of trust lands to City

**1.**—(1) The Trustees of the R. A. Morrow Memorial Park are hereby empowered to convey to The Corporation of the City of Peterborough, for such nominal consideration and upon and subject to such terms and conditions as may be agreed upon between the Trustees and the Corporation, for the erection and operation of such community centre thereon, such portion of the said lands comprising the said Park as in the opinion of the Trustees shall be reasonably requisite or necessary for the erection and operation of the said community centre and shall be in the public interest.

Trustees absolved from liability

(2) If the Trustees convey a portion of the said lands to the Corporation as provided in subsection 1, the Trustees are absolved from any liability in respect of any claim alleging breach of trust by reason of such conveyance.

Remaining lands still subject to trusts

**2.** The portion of the said lands not so conveyed to the Corporation shall remain in all respects subject to the trusts set forth in the said Deed dated the 3rd day of January, 1938.

Commencement

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The City of Peterborough Act, 1954 (No. 2)*.

## CHAPTER 124

**An Act respecting The Ross Memorial Hospital**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**W**HEREAS The Ross Memorial Hospital by its petition Preamble has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Notwithstanding anything in *An Act respecting* Board of *The Ross Memorial Hospital*, being chapter 132 of the Statutes Governors of Ontario, 1903, or in the Schedule thereto, the Board of Governors of The Ross Memorial Hospital shall be composed of the following persons:

1. The Warden for the time being of the County of Victoria and the Mayor for the time being of the Town of Lindsay, as *ex officio* governors, as provided in clause 4 of the said Schedule.
2. Three governors to be appointed by the council of the Town of Lindsay, to hold office during pleasure of the council.
3. Three governors to be appointed by the council of the County of Victoria, to hold office during pleasure of the council.
4. The President for the time being of the Women's Auxiliary of the Hospital.
5. The Chief of the Medical Staff for the time being of the Hospital.
6. Seven governors to be elected at the annual meeting of the Board of Governors and Associates to hold office for a term of three years each in rotation so that the term of office of two of the said governors shall expire in one year, two in the next succeeding year and

three

three in the next succeeding year and so on from time to time, one of the said governors to be elected to represent the descendant of the donor James Ross, deceased, as described in paragraph 3 of the Schedule to the said *An Act respecting The Ross Memorial Hospital*.

First  
appoint-  
ments

(2) On the occasion of the first election of the seven governors under paragraph 6 of subsection 1, the governor representing the descendant of the donor James Ross, deceased, as described in paragraph 3 of the Schedule to the said *An Act respecting The Ross Memorial Hospital* and two others shall be elected to office for a term of three years; two others shall be elected to office for a term of two years; and the remaining two shall be elected to office for a term of one year.

Annual  
meetings,  
etc.  
1903, c. 132

2. Notwithstanding anything in the said *An Act respecting The Ross Memorial Hospital* or in the Schedule thereto,

- (a) the time of the annual meeting of the Board of Governors and Associates shall be fixed by the Board of Governors for each and every year;
- (b) seven governors shall be required to constitute a quorum of the Board of Governors;
- (c) the officers of the Board of Governors shall consist of a chairman, a secretary and a treasurer, to be elected at the annual meeting of the Board of Governors and Associates.

Associates

3. Notwithstanding anything in the said *An Act respecting The Ross Memorial Hospital* or in the Schedule thereto, the requirement for becoming an Associate of the Corporation shall be as follows:

- 1. A person shall become an Associate of the Corporation for the current fiscal year who pays to the funds of the Association an annual membership fee of \$5 and a person shall become an Associate of the Corporation for his life who pays to the funds of the Association a sum of not less than \$100.
- 2. A corporation or other organization which pays to the funds of the Association an annual membership fee of \$25 shall be entitled to name an Associate of the Corporation to represent it in the fiscal year in which the fee is paid, and a corporation or other organization which pays to the funds of the Association a sum of not less than \$1,000 shall be entitled to name an Associate of the Corporation each year in perpetuity to represent it.

4. This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

5. This Act may be cited as *The Ross Memorial Hospital* <sup>Short title</sup>*Act, 1954.*





## CHAPTER 125

## An Act respecting Royal Botanical Gardens

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS the Board of the Royal Botanical Gardens Preamble  
 has represented by its petition that it was incorporated  
 by *The Royal Botanical Gardens Act, 1941*; and whereas the 1941, c. 75  
 said Board has prayed for special legislation amending the  
 provisions of the said Act with respect to the membership of  
 the Board; and whereas it is expedient to grant the prayer of  
 the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

**1.**—(1) Subsection 1 of section 2 of *The Royal Botanical* 1941, c. 75,  
*Gardens Act, 1941* is amended by striking out the word “ten” s. 2, subs. 1,  
 in the first line and inserting in lieu thereof the word “fifteen”, amended  
 so that the subsection, exclusive of the clauses, shall read as  
 follows:

- (1) The Board shall consist of fifteen members as Constitution  
 follows: of Board

. . . . .

(2) Clause *f* of subsection 1 of the said section 2 is amended 1941, c. 75,  
 by striking out the word “Chancellor” in the first line and s. 2, subs. 1,  
 inserting in lieu thereof the word “President”, so that the cl. f,  
 clause shall read as follows: amended

- (*f*) the President of McMaster University for the time  
 being.

(3) Subsection 1 of the said section 2 is further amended by 1941, c. 75,  
 adding thereto the following clause: s. 2, subs. 1,  
amended

- (*g*) five persons not being members of the Board of  
 Park Management of the City of Hamilton or of the  
 council of the City of Hamilton, each of whom shall  
 be nominated by the Board of the Royal Botanical  
 Gardens and hold office for five years from the 1st

day

day of February in the year in which he is appointed except in the case of the first members nominated under this clause, one of whom shall hold office until the 1st day of February in the year following the first appointments, one for one year, one for two years, one for three years and one for four years from that date; but every such member shall continue in office until his successor is appointed and shall be eligible for reappointment; any vacancy occurring by the death or resignation of a member nominated under this clause or from any cause other than the expiration of the time for which he was nominated, shall be filled by the Board and the member so nominated in his place shall hold office for the remainder of his term and until his successor is nominated.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Royal Botanical Gardens Act, 1954*.

## CHAPTER 126

**An Act respecting Sao Paulo Light and Power Company, Limited**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**W**HEREAS Sao Paulo Light and Power Company, Preamble  
Limited, hereinafter called the Company, by its petition has represented that it was incorporated by letters patent dated the 7th day of April, 1899, under the Great Seal of the Province of Ontario under the name of The Sao Paulo Railway Light and Power Company Limited; and that the name of the Company was changed to The Sao Paulo Tramway, Light and Power Company, Limited by order of the Lieutenant-Governor in Council dated the 13th day of December, 1899, and to its present name by order of the Provincial Secretary dated the 21st day of September, 1951; and that supplementary letters patent were issued to the Company on the 15th day of May, 1902, the 8th day of November, 1904, the 30th day of November, 1906, the 3rd day of January, 1908, the 27th day of June, 1942, and the 7th day of June, 1947; and that special Acts of this Legislature affecting the Company were passed in 1902 and 1906; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The shareholders of the Company may authorize the transfer of the head office of the Company from the City of Toronto in the Province of Ontario, Canada, to the City of Sao Paulo in the State of Sao Paulo, one of the United States of Brazil, and may authorize an application for a decree pursuant to Article 71 of Decree-Law No. 2627 of the 26th day of September, 1940, of the United States of Brazil providing for the assumption of Brazilian nationality by the Company. Authority for transfer of head office, etc.

(2) Such authorizations shall be by resolutions of the shareholders of the Company passed at a special general meeting of the shareholders duly called in accordance with the by-laws of the Company, by the unanimous vote of all the shareholders present in person or represented by proxy thereat and the Resolutions

resolutions

resolutions shall be valid only if at least 95 per cent of all the issued and outstanding shares in the capital stock of the Company are voted in favour of such resolutions.

Transfer

(3) If the resolutions are passed as provided in this section, the Company may transfer its head office from the said City of Toronto to the said City of Sao Paulo.

Rev. Stat.,  
c. 59 not  
to apply:  
repeal

2. Upon and after the date of a decree issued to the Company pursuant to Article 71 of Decree-Law No. 2627 of the 26th day of September, 1940, of the United States of Brazil, if such decree is issued not later than the 31st day of December, 1957,

(a) *The Companies Act* of Ontario and any successor thereof shall not apply to the Company; and

(b) *An Act respecting The Sao Paulo Tramway, Light and Power Company, Limited*, being chapter 104 of the Statutes of Ontario, 1902, and *An Act respecting The Sao Paulo Tramway Light and Power Company, Limited*, being chapter 136 of the Statutes of Ontario, 1906, are repealed.

Certificate

3. The Provincial Secretary may, on receipt by him of an original counterpart of the decree issued pursuant to Article 71 of Decree-Law No. 2627 of the 26th day of September, 1940, of the United States of Brazil or a copy thereof certified by an official thereunto authorized by the laws of the United States of Brazil, issue a certificate to the Company confirming the date on which the provisions of clauses *a* and *b* of section 2 take effect.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Sao Paulo Light and Power Company, Limited Act, 1954*.

## CHAPTER 127

**An Act respecting the Township of Scarborough**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the Township of Scar- Preamble  
borough by its petition has prayed for special legisla-  
tion in respect of the matters hereinafter set forth; and whereas  
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.**—(1) Notwithstanding anything in any other Act, for Composition  
of council  
the year 1955 and every year thereafter the council of the  
Township of Scarborough shall be composed of a reeve, a  
deputy reeve and six councillors.

(2) The reeve and the deputy reeve shall be elected annually Method of  
election  
by the voters of the whole Township, and the six councillors  
shall be elected annually by wards, one being elected from  
each of the Wards 1, 2, 3, 4, 5 and 6.

**2.** Section 3 of *The Township of Scarborough Act, 1933* 1933,  
c. 98, s. 3,  
repealed  
is repealed.

**3.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**4.** This Act may be cited as *The Township of Scarborough* Short title  
*Act, 1954.*





## CHAPTER 128

## An Act respecting the City of St. Catharines

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the City of St. Catharines Preamble  
 by its petition has prayed for special legislation in  
 respect of the matters hereinafter set forth; and whereas it is  
 expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

**1.** The lands, being the site of the St. Catharines Municipal Site of  
 Building and a portion of the St. Catharines Public Market Municipal  
 and more particularly described as follows: Building and  
Market  
vested in  
Corporation

ALL AND SINGULAR those certain parcels or tracts of land  
 and premises situate, lying and being in the City of St. Cathar-  
 ines, in the County of Lincoln and being composed of Lots  
 numbers 691, 692 and 707 according to the compiled plan of  
 the City of St. Catharines, registered in the Registry Office for  
 the Registry Division of the County of Lincoln as Corporation  
 Plan No. 2,

are hereby vested in The Corporation of the City of St.  
 Catharines in fee simple free from any trust or limitation.

**2.** The council of the Corporation may pass by-laws in the Power to use  
 exercise of the powers provided in paragraph 52 of section 386 for municipal  
 of *The Municipal Act* and of any other powers with respect to parking lots  
 municipal parking lots which it may now or hereafter possess Rev. Stat.,  
 under any special or general Act to authorize and regulate the c. 243  
 use of the lands described in section 1 or any part or parts  
 thereof for the parking of vehicles.

**3.—(1)** In this section, “municipal parking lot” means Interpre-  
 any land now or hereafter owned or leased by or under licence tation  
 to the Corporation and declared by by-law of the council  
 thereof to be a municipal parking lot.

**(2)** In addition to any powers which it may possess under Parking  
 this or any other special or general Act, the council of the meters  
 Corporation may pass by-laws to provide at such fee or charge  
 as to the council may appear proper, spaces for parking vehicles

Rev. Stat.,  
c. 243

on municipal parking lots and to provide on such municipal parking lots parking meters or other means of collecting such fee or charge and to govern and regulate such parking and for this purpose all the powers, privileges and immunities of the council and the Corporation which under the provisions of paragraph 7 of section 486 and clause *a* of paragraph 107 of subsection 1 of section 388 of *The Municipal Act* are applicable to highways shall apply *mutatis mutandis* to such municipal parking lots.

Penalties  
and en-  
forcement

(3) In addition to the foregoing powers, the provisions of Part XXI of *The Municipal Act* relating to the power to impose and recover penalties and enforce by-laws shall apply *mutatis mutandis* to any by-law passed under this section.

Approval of  
Department  
of Highways  
required

(4) It shall be necessary to obtain the approval of the Department of Highways to any by-law passed under this section.

Agreement  
for joint use  
of trunk  
sewer

4.—(1) The council of The Corporation of the City of St. Catharines and any one or more of the councils of The Corporation of the Town of Merritton, The Corporation of the Town of Thorold and The Corporation of the Township of Thorold may pass by-laws for entering into an agreement providing for the joint use of the St. Catharines-Port Weller trunk sewer and disposal plant and providing for the payment to The Corporation of the City of St. Catharines of such rental as may be agreed upon for such use.

Assent of  
electors and  
approval of  
Municipal  
Board not  
required

(2) It shall not be necessary for the councils of the said Corporations to obtain the assent of the electors qualified to vote on money by-laws or the approval of the Ontario Municipal Board to the passing of any by-law authorizing the agreement referred to in this section.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The City of St. Catharines Act, 1954*.

## CHAPTER 129

**An Act respecting the Town of St. Marys**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the Town of St. Marys <sup>Preamble</sup> by its petition has represented that by *An Act to legalize and confirm By-law No. 10 of 1895 of the Town of St. Mary's regulating a fixed Rate of Taxation for Farming Lands in the said Town*, being chapter 80 of the Statutes of Ontario, 1895, By-law No. 10, 1895, of the Town was confirmed by the Legislature; and that on the 7th day of December, 1953, the question "Are you in favour of the repeal of By-law No. 10, 1895?" was submitted to the electors of the Town, upon which question 902 of the electors voted in the affirmative and 146 voted in the negative; and whereas the petitioner has prayed for special legislation repealing the said Act and confirming a by-law of the Town repealing the said By-law No. 10, 1895; and whereas during consideration of the Bill by the Private Bills Committee an agreement was entered into between the Town of St. Marys and the owners of farm lands therein as set out in By-law No. 942, passed by the council of the Town of St. Marys and set out as the Schedule hereto; and whereas the parties interested and the said council have prayed that an Act may be passed to confirm, legalize and make valid and binding the said By-law; and whereas it is expedient to grant the prayer of the petitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *An Act to legalize and confirm By-law No. 10 of 1895* <sup>1895, c. 80, repealed</sup> *of the Town of St. Mary's regulating a fixed Rate of Taxation for Farming Lands in the said Town*, being chapter 80 of the Statutes of Ontario, 1895, is repealed.

2. By-law No. 942 of the Town of St. Marys, set forth as <sup>By-law confirmed</sup> the Schedule hereto, is confirmed and declared legal, valid and binding and shall be taken as if expressly enacted hereby and shall form an integral part of this Act.

Commence-  
ment

**3.** This Act comes into force on the 1st day of January, 1955.

Short title

**4.** This Act may be cited as *The Town of St. Marys Act*, 1954.



## SCHEDULE

## BY-LAW NUMBER 942

By-law of the Corporation of the Town of St. Marys to repeal By-law Number 10, A.D. 1895, and By-law Number 939 of the Town of St. Marys and to establish the basis of rating farm lands of not less than twenty-five acres in the Town of St. Marys.

WHEREAS it is deemed expedient to repeal By-laws Number 10, A.D. 1895, and By-law Number 939 of the Town of St. Marys and to establish the basis of rating farm lands of not less than twenty-five acres in the Town of St. Marys.

NOW THEREFORE the Corporation of the Town of St. Marys enacts as follows:

1. That By-law Number 10, A.D. 1895, and By-law Number 939 be and the same are hereby repealed.

2. That all lands in the said Town of St. Marys while held and used as farm lands only and in blocks of not less than twenty-five acres shall from the 1st day of January, 1955, be rated upon the assessed value thereof as follows:

- (a) For general Town purposes 45 per cent of the general rate after deducting from such general mill rate the exemptions and benefits granted by section 35 of *The Assessment Act*, R.S.O. 1950, Chapter 24, and amendments thereto.
- (b) For payment of the debenture debts of the Town, save as herein-after provided, the same rate as may from time to time be required and is from time to time levied upon other Town property.
- (c) For expenditure for public school, separate school and secondary school purposes the same rate as is required and is from time to time levied upon other Town property.
- (d) That the said lands shall be wholly exempt from taxation for the payment of any future debt of the said Town incurred in connection with sewers save and except any such farm lands benefiting therefrom.

3. That this By-law shall come into effect and shall be valid, legal and binding upon the Corporation of the Town of St. Marys and the owners of farm lands as herein above referred to upon being confirmed, validated and made legal and binding by the Legislature of the Province of Ontario.

READ a First, Second and Third time and finally passed in Council this twenty-second day of March, A.D. 1954.

Seven members present: Four (4) voting in favor of By-law.

PAUL HOVEY,  
*Mayor.*

(Seal)

J. W. DURR,  
*Clerk.*



## CHAPTER 130

## An Act respecting St. Michael's College

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS St. Michael's College by its petition has Preamble represented that it was incorporated by *An Act to incorporate St. Michael's College in the Diocese of Toronto*, being chapter 237 of the Statutes of the Province of Canada, 1855; and that it has conducted and maintained an institution of learning in the City of Toronto; and whereas the petitioner has prayed for legislation conferring on it the power to grant degrees in theology, including honorary degrees in theology, and to appoint a Chancellor for the purpose of conferring such degrees; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The said *An Act to incorporate St. Michael's College in the Diocese of Toronto* is 1855, c. 237, amended amended by adding thereto the following section:

IVa.—(1) The said Corporation shall have power to Degrees in theology grant degrees in theology, including honorary degrees in theology, and for such purposes only shall have university powers.

(2) The said Corporation may appoint a Chancellor and Chancellor define his privileges, duties and responsibilities.

(3) All such degrees shall be conferred by the Chancellor, Conferring of degrees or, in the case of his absence or of there being a vacancy in the office, by the Superior of St. Michael's College, or, in the case of the absence of both of them or of both offices being vacant, by a member of the faculty of theology of St. Michael's College appointed for the purpose by the Corporation.

**2.** This Act may be cited as *The St. Michael's College Act*, Short title 1954.



## CHAPTER 131

## An Act respecting the City of St. Thomas

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the City of St. Thomas Preamble  
by its petition has prayed for special legislation in  
respect of the several matters hereinafter set forth; and  
whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** The expropriation of that part of Lot 25 according to Expropria-  
tion confirmed  
Registered Plan No. 245, as more particularly described in  
By-law No. 4072 of the City of St. Thomas, which by-law  
is registered in the Registry Office for the Registry Division  
of the County of Elgin as No. 67601 for the City of St. Thomas,  
is ratified, confirmed and declared to be legal, valid and bind-  
ing, and shall be deemed to have had the effect of vesting  
the said land in the Corporation in fee simple, clear of and  
free from all right, title and interest other than that of the  
Corporation, and the lands so expropriated shall be deemed  
to have been acquired for the purposes of the Corporation.

**2.** The conveyance to The Corporation of the City of Conveyance  
rectified and  
confirmed  
St. Thomas of part of Lot 8, in the 9th Concession of the  
Township of Yarmouth, by Deed registered in the Registry  
Office for the Registry Division of the County of Elgin  
as No. 35882 for the Township of Yarmouth, shall be deemed  
to have included all that part of the said lot added to Lot 7,  
according to Registered Plan No. 245 for the City of St.  
Thomas, by Judge's Order amending the said Plan, registered  
as No. 68530 for the City of St. Thomas, more particularly  
described as follows:

All and singular that certain parcel or tract of land and  
premises situate, lying and being in the City of St. Thomas, in the  
County of Elgin, and being composed of part of the unsubdivided  
part of Lot 8, in the 9th Concession formerly in the Township  
of Yarmouth, now in the City of St. Thomas, and more par-  
ticularly described as follows: Commencing at a point in the  
southerly limit of Canadian National Railway right-of-way,  
distant 351.71 feet measured westerly thereon from the point  
of intersection of the said southerly limit with the easterly limit  
of Township Lot 8, Concession IX; thence south 0° 43' west along



the easterly boundary of the Canadian National Railway right-of-way, a distance of 55 feet to a point in the northerly limit of Lot 7 as shown on Registered Plan 245; thence easterly along the said northerly limit of Lot 7 to the angle in the northerly limit thereof; thence northerly along the westerly limit of the said Lot 7 to a point in the southerly limit of the Canadian National Railway right-of-way and which point is the northwest corner of Lot 7; thence westerly along the southerly limit of the Canadian National Railway right-of-way, being the production westerly of the northerly limit of the said Lot 7, to the place of commencement,

and to have had the effect of vesting such land in the Corporation in fee simple, clear of and free from all right, title and interest other than that of the Corporation, and the said lands shall be deemed to have been acquired for purposes of the Corporation.

Conveyances  
confirmed

**3.** The conveyances by The Corporation of the City of St. Thomas,

- (a) to Canadian Allis-Chalmers Limited of Lots 15, 16, 17, 23, 24, 25, according to Registered Plan No. 245, by Deed dated the 20th day of October, 1953; and
- (b) to The Ridge Tool Company of Canada Ltd. of that part of Lot 7, according to Registered Plan No. 245 as amended, referred to in section 2, by Deed registered in the Registry Office for the Registry Division of the County of Elgin as No. 68741 for the City of St. Thomas,

are ratified, confirmed and declared to be legal, valid and binding.

Community  
Centre  
Board

**4.—(1)** The operation, management and control of the community centre known as St. Thomas Elgin Memorial Community Centre, shall be by a board of directors consisting of eight members which shall be a body corporate known as "St. Thomas Elgin Memorial Community Centre Board", hereinafter called "the Board".

Composition

**(2)** Commencing with the year 1954, the Board shall be composed of,

- (a) two members of the City Council;
- (b) four resident ratepayers of the City of St. Thomas, other than members of the City Council or any board or commission acting for or on behalf of the City;
- (c) one resident ratepayer of a municipality forming part of the County of Elgin;

(d)

- (d) the Mayor of the City of St. Thomas as an *ex officio* member.

(3) The City Council shall annually appoint the members <sup>Appoint-ments</sup> of the Board referred to in clauses *a* and *c* of subsection 2 and for the year 1954 the City Council shall appoint two of the four resident ratepayers referred to in clause *b* of subsection 2 for a term of two years to hold office until the end of the year 1955, and two for a term of three years to hold office until the end of the year 1956, and prior to the end of the year 1955 and each subsequent year thereafter shall appoint two of such resident ratepayers for a two-year term to commence January 1st of the year following the year in which they are appointed.

(4) Where a vacancy among the appointed members of the <sup>Vacancies</sup> Board occurs from any cause, the City Council shall immediately appoint a successor and such successor shall hold office during the remainder of his predecessor's term.

(5) A majority of the members of the Board shall constitute <sup>Quorum</sup> a quorum.

(6) The officers of the Board shall consist of a chairman <sup>Officers</sup> and vice-chairman, who shall be members of the Board and who shall be elected annually by the members of the Board; a secretary, who shall be the City Clerk; and a treasurer, who shall be the City Treasurer.

(7) Every employee and servant of the Board, except the <sup>Employ-ment during pleasure</sup> secretary and the treasurer, shall hold office during the pleasure of the Board.

(8) All accounts incurred by the Board shall be subject <sup>Audit of accounts</sup> to audit by the auditors of the City and shall be paid monthly by the City Treasurer on authorization of the Board.

(9) Profits from the operation of the said Community <sup>Disposition of profits</sup> Centre after adequate provision for operating expenses, and after taking care of all principal and interest then owing in respect of debentures in connection with the said Community Centre, shall be paid to the City Treasurer and placed to the credit of the Community Centre account and held as a surplus available against any future losses in operation, or on approval of City Council may be expended for capital purposes in connection with the Community Centre.

(10) If the operations of the Board result in a deficit as <sup>Deficits</sup> shown on the annual audit statement, the City Council upon receiving application from the Board and upon being satisfied that such funds are required by the Board, shall include such deficit in the first City budget estimates to be made after receipt of such application.

- Annexation      **5.**—(1) The lands described in Schedule A and Schedule B are hereby detached from the Township of Yarmouth and annexed to the City of St. Thomas and shall form part of the City of St. Thomas for all purposes.
- Assets and liabilities      (2) There shall be an adjustment of assets and liabilities between the Township and the City and the adjustment shall be such as may be agreed upon or, failing agreement, as may be determined by the Ontario Municipal Board.
- Commence-  
ment      **6.**—(1) This Act, except sections 4 and 5, comes into force on the day it receives Royal Assent.
- Idem      (2) Sections 4 and 5 shall be deemed to have come into force on the 1st day of January, 1954.
- Short title      **7.** This Act may be cited as *The City of St. Thomas Act, 1954.*

## SCHEDULE A

ALL AND SINGULAR that certain part of the Township of Yarmouth, in the County of Elgin, and Province of Ontario, which may be more particularly described as follows:

COMMENCING at the intersection of the southerly limit of Talbot Street and the easterly limit of First Avenue, as shown on Registered Plan 209; thence easterly along the southerly limit of Talbot Street, one hundred and forty feet (140'); thence southerly parallel to the east limit of First Avenue and along the east limit of Lots 5 to 9 inclusive, in Blocks 14, 13, 12 and 11, according to Registered Plan No. 77, to the centre line of Erie Street; thence westerly on the centre line of Erie Street to the centre line of First Avenue; thence northerly along the centre line of First Avenue to the south limit of Talbot Street; thence easterly thereon thirty-three feet (33') to the place of beginning.

The above description covers the following lots and streets: Lot 3, as shown on Registered Plan 209; Lots 5 to 9 inclusive in Block 14, Lots 5 to 9 inclusive in Block 13, Lots 5 to 9 inclusive in Block 12, Lots 5 to 9 in Block 11, all as shown on Registered Plan 77; Parts of Fountain, Anna, Mary, Wellington and Erie Streets as shown on Registered Plan 77 and the east half of First Avenue, as shown on Registered Plan 209.

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## SCHEDULE B

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Yarmouth, in the County of Elgin, and Province of Ontario, being part of Township Lot Number 4, in the 7th Concession of the said Township, and Lots Numbers 1 to 21 inclusive, as shown on Registered Plan Number 218 for the said Township, and part of the Road Allowance between Concessions 7 and 8 in the said Township, and more particularly described as follows:—

COMMENCING at a point where the north limit of the allowance for road between Concessions 7 and 8 in the said Township is intersected by the northerly production of the east limit of Lots 20 and 21, according to Registered Plan 218 for the said Township; thence southerly along the said northerly production and along the easterly limit of the said Lots 20 and 21, which limit is also part of the boundary of the City of St. Thomas, to the high water mark of Pinafore Lake, which high water mark is seven hundred and twenty-eight feet and nine-tenths of a foot (728.9') above mean sea level; thence southeasterly on the said high water mark or line, following the several courses and windings thereof to where it is intersected by the east limit of Township Lot 4; thence southerly on the said east limit, ninety-five feet (95'), more or less, to the south high water line of the said Pinafore Lake; thence westerly and northwesterly thereon following the several courses and windings thereof to a point on the said high water line which is one hundred and thirty-six feet (136') more or less south of the south limit of the road allowance between Concessions 7 and 8 in the said Township, being the south limit of the lands of the New York Central Railway Company; thence westerly along the said south limit of the Railway Company's lands, which is also part of the corporation boundary of the City of St. Thomas, eighty feet (80') more or less to the west limit of the said Railway Company's lands; thence northerly on the west limit of the said Railway Company's lands and its production northerly, being also part of the boundary of the Corporation of the City of St. Thomas, to the northerly limit of the said Road Allowance between said Concessions 7 and 8; thence easterly along the said northerly limit of the said road allowance to the place of beginning.





## CHAPTER 132

**An Act respecting The Sudbury Community  
Young Men's, Young Women's Christian  
Association**

*Assented to April 6th, 1954  
Session Prorogued April 6th, 1954*

**W**HEREAS The Sudbury Community Young Men's, Preamble  
Young Women's Christian Association by its petition  
has represented that it was incorporated by *The Sudbury* 1938, c. 71  
*Community Young Men's, Young Women's Christian Associa-*  
*tion Act, 1938* as a body corporate and politic for the purposes  
and with the powers set out in the said Act, and has prayed  
that an Act be passed to change its name to Sudbury Young  
Men's Christian Association; and whereas it is expedient to  
grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** The name of The Sudbury Community Young Men's, Corporate  
Young Women's Christian Association is hereby changed to <sup>name</sup> changed  
Sudbury Young Men's Christian Association.

**2.** All real and personal property, trusts, gifts, devises and <sup>Effect of</sup>  
bequests which have been heretofore held by or made to, <sup>change of</sup>  
or shall hereafter be made to or in favour of or intended for, <sup>name</sup>  
together with all the rights, powers and privileges of, The  
Sudbury Community Young Men's, Young Women's Chris-  
tian Association shall be held and enjoyed by Sudbury Young  
Men's Christian Association.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Sudbury Young Men's* <sup>Short title</sup>  
*Christian Association Act, 1954.*



## CHAPTER 133

**An Act respecting the City of Toronto**

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the City of Toronto by Preamble  
 its petition has prayed for special legislation in respect  
 of the matters hereinafter set forth; and whereas it is expedient  
 to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

**1.**—(1) By-law No. 18777 respecting pensions for Toronto Toronto  
 Civic Employees and By-laws Nos. 18793, 18967 and 19013 Civic Em-  
 amending the said by-law, set out as Schedule A hereto, ployees  
 are hereby confirmed and declared to be legal, valid and Pension  
 binding from the dates of the passing of the by-laws. By-law validated

(2) The council of the Corporation may amend the said Authority  
 By-law No. 18777 from time to time within the authority to amend  
 contained in section 8 of *An Act respecting the City of Toronto*, Pension  
 being chapter 126 of the Statutes of Ontario, 1921, as amended By-law  
 by section 3 of *The City of Toronto Act, 1953*, provided that 1921, c. 126  
 any such amendment shall not adversely affect the pensions, 1953, c. 133  
 other benefits and privileges of the members of the Pension  
 Plan.

**2.** The land and buildings of the Corporation within the Canadian  
 limits of Exhibition Park, in the City of Toronto, shall be National  
 exempt from taxation for municipal purposes so long as the Exhibition  
 lands continue to be owned by the Corporation and used for tax exemp-  
 the purposes of The Canadian National Exhibition Association, tion  
 provided that the full value of such land and buildings, except  
 the land and buildings that are exempt from taxation under  
 section 4 of *The Assessment Act*, shall be included in the Rev. Stat.,  
 assessment of the City for the purpose of the apportionment c. 24  
 of the levies of The Municipality of Metropolitan Toronto  
 among the area municipalities under *The Municipality of* 1953,  
*Metropolitan Toronto Act, 1953.* c. 73

Heating  
by-law  
confirmed

**3.** By-law No. 19066, to require adequate and suitable heat for rented dwelling accommodation, set out as Schedule B hereto, is hereby confirmed and declared to be legal, valid and binding within the City of Toronto.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The City of Toronto Act, 1954*.

## SCHEDULE A

## No. 18777. A BY-LAW

Respecting service and disability pensions and other benefits and privileges for Toronto Civic Employees.

(Passed December 16, 1952.)

WHEREAS by By-law No. 15939, as amended, the City has made provision for pensions for full-time employees of the City, as defined in the said By-law, pursuant to *The Government Annuities Act* (Canada).

AND WHEREAS it is desirable that provision be made for improved pensions and for other benefits and privileges for full-time permanent employees of the City;

AND WHEREAS by the Act respecting the City of Toronto, being 11 George V, Chapter 126, it is provided that the Council may by by-law establish a fund to provide for pensions, allowances or gratuities to permanent employees of the Corporation upon disability, death or retirement from the service of the Corporation, or to relatives or dependents, and may define and limit the class, or classes, of employees to be benefited by said fund, and may provide for the establishment and maintenance of the fund by grants of money or by annual grants of money to be raised each year by taxation and by contributions from the salaries or wages of such employees;

THEREFORE the Council of the Corporation of the City of Toronto enacts as follows:

## DEFINITIONS

1. In and for the purposes of this by-law, unless a contrary intention appears

"City" means the Corporation of the City of Toronto;

"disability" means that the member has filed a certificate by a duly qualified medical practitioner in the form provided by the Committee that he is unable to continue further at his employment and that either the Medical Officer of Health for the City concurs in such certificate or, in case of non-concurrence, that a third duly qualified medical practitioner, approved by the member and the Medical Officer of Health, concurs in such certificate;

"employee" means

- (a) a full-time permanent employee of the City except an employee who is a member of or is eligible for membership in the Toronto Fire Department Superannuation and Benefit Fund;
- (b) a full-time permanent employee of The Toronto Police Department except a constable cadet or an employee who is a member of or is eligible for membership in The Toronto Police Benefit Fund;
- (c) a full-time permanent employee of the Local Board of Health of the City of Toronto;
- (d) a full-time permanent employee of the Juvenile or Family Court of the City of Toronto whose salary is paid by the City;
- (e) a permanent female member of the Department of Property cleaning staff;

"Fund"



"Fund" means the fund established pursuant to this by-law;

"member" means an employee who is a member of the plan;

"Plan" means the plan for pensions and other benefits and privileges established by this by-law;

"service of the City" and "service with the City" includes service of and with the Local Board of Health of the City of Toronto, the Juvenile or Family Court of the City of Toronto if the salary for the service is or was paid by the City, and the Toronto Police Department;

"salary" means salary or wages, exclusive of cost-of-living or other bonus or overtime actually received or, with respect to any period during which a person did not receive salary but for which he is entitled hereunder to credit on account of years of service, means salary or wages, exclusive of cost-of-living or other bonus or overtime, at the rate of the last pay actually received before such period.

#### ELIGIBILITY

2.—(1) Every employee who is a registered employee within the meaning of By-law No. 15939 shall be a member.

(2) Every employee in the service of the City at the date of the passing of this by-law, although not a registered employee within the meaning of By-law No. 15939, shall be eligible to join the plan provided (i) the employee entered the service of the City prior to age 50, if male, or 45, if female, (ii) the employee's aggregate service with the City will amount to at least twenty years by age 70, if male, or 65, if female, and (iii) the employee elects to join the plan within sixty days from the date of the passing of this by-law.

(3) Every person who, after the date of the passing of this by-law, is appointed an employee shall be eligible and, as a condition of appointment, be required to join the plan if (i) the person enters or entered the service of the City prior to age 50, if male, or 45, if female, and (ii) the person's aggregate service with the City will amount to at least twenty years by age 70, if male, or 65, if female.

(4) Every person who was a registered employee under By-law No. 15939 and whose service with the City was terminated on or after June 30, 1952, shall, as of the date of termination of service, be entitled to the same pension, benefits or other privileges as a member provided such person either (a) retired at the Normal Retirement Date or Earlier Retirement Date or on account of disability, as the case may be, as provided for by By-law No. 15939 and received an annuity contract pursuant thereto, or (b) died while in the service of the City; the intent and purpose of this subsection being that every such person or his beneficiary or beneficiaries, if any, otherwise his estate, shall receive, as of the date of termination of service, the difference, if any, between the pension or benefit received under said By-law No. 15939 and that provided for under this by-law.

#### SERVICE CREDITS

3. In determining the years of service of a member for the purpose of calculating pensions, benefits and privileges hereunder the following service and periods (hereinafter called "service credits") only shall be counted, namely:

(1) In the case of a member under subsections 1 or 2 of section 2:—

(a) all service with the City, except service recognized for benefits under either The Toronto Police Benefit Fund or the Toronto Fire Department Superannuation and Benefit Fund;

(b)

- (b) all service prior to July 1, 1943, with the Toronto Harbour Commissioners, The Toronto Transportation Commission, the Toronto Public Library Board, and The Toronto Electric Commissioners.
- (2) In the case of a member under subsection 3 of section 2:—
  - (a) all full-time permanent service with the City after the member's latest date of appointment as an employee, except service recognized for benefits under either The Toronto Police Benefit Fund or the Toronto Fire Department Superannuation and Benefit Fund;
  - (b) all service prior to the member's latest date of appointment as an employee except
    - (i) service prior to any period exceeding one continuous year during which he was not employed by the City for any reason;
    - (ii) service prior to any voluntary termination by him of his employment;
    - (iii) service prior to his dismissal at any time for cause provided that suspension shall not be deemed a termination of service or to reduce service credit unless followed by dismissal for cause;
    - (iv) service recognized for benefits under either The Toronto Police Benefit Fund or the Toronto Fire Department Superannuation and Benefit Fund.
- (3) In the case of all members:—
  - (a) all time lost on account of illness while in the full-time permanent service of the City provided the member was either paid for such time or, although not paid, was deemed to have been on sick leave;
  - (b) Subject to the provisions of *The Reinstatement in Civil Employment Act, 1946*, as amended, any period of leave of absence for war work or of service with the armed forces of Canada, the British Empire or British Commonwealth, or any part or ally thereof, or with the Special Korean Force, provided (i) the member was on such leave of absence from or joined the said armed forces while in service with the City between September 1, 1939, and July 1, 1943, or, being in the service of the City, was granted such leave of absence or joined the said armed forces between July 1, 1943, and August 15, 1945, or, after August 15, 1945, joined the Special Korean Force, (ii) the member at the time of being granted such leave of absence or of joining the said armed forces or Special Korean Force had been in the full-time service of the City for at least one year, and (iii) the member returned to service with the City within one year after termination of his leave of absence or discharge from the said armed forces or Special Korean Force, and joined the Plan or the Plan under By-law No. 15939, if not already a member, within three months of his return to service with the City;
  - (c) any period of leave of absence, with pay, for service during any war in the armed forces of Canada, the British Empire or British Commonwealth or any part or ally thereof;
  - (d) any period of vacation or leave of absence, other than provided for in paragraphs (b) or (c), with or without pay.
- (4) Credit shall be given for fractions of years based on completed months.

(5) Notwithstanding any of the foregoing provisions of this section, the following service or periods shall not be counted:—

- (a) any service or period of vacation or leave of absence after reaching the age of 70, if male, or 65, if female;
- (b) any service or period subsequent to December 1, 1943, in respect to which there are arrears within the meaning of paragraph (c) of subsection 1 of section 4 and which the member elected not to pay;
- (c) any service credits in excess of an aggregate of forty years prior to July 1, 1952.

#### CONTRIBUTIONS

##### 4.—(1) By members of the Plan:

- (a) Subject to the provisions of paragraph (b), each member shall contribute to the Fund, by way of payroll deduction, five (5) per cent. of his salary from December 1, 1943, for all service credits from the said date.
- (b) Any member who is a registered employee within the meaning of By-law No. 15939 may elect within sixty (60) days of the date of the passing of this by-law to have his contributions hereunder paid to his credit in the Fund; and in the absence of such election the member's contributions shall continue to be paid to his credit with the Government Annuities Branch, Ottawa, in accordance with said By-law No. 15939, until the amount there to his credit is sufficient to purchase a \$600.00 annuity commencing at age 65, if male, or age 60, if female, and thereafter be paid to his credit in the Fund.
- (c) Where the aggregate amount of the contributions by or on behalf of a member up to the date of becoming a member is less than five (5) per cent. of his salary from December 1, 1943, the member shall elect within sixty day of the date of the passing of this by-law or of the date of his permanent appointment, if thereafter, whether or not to pay the deficiency (herein referred to as "arrears"); and if the member elects to pay the arrears, they may be paid, in whole or in part, without interest, within three months from the date of the passing of this by-law or of the date of his permanent appointment, if thereafter; and after the expiration of the three month period the arrears, and such balances thereof as remain from time to time unpaid, shall accumulate at interest at the rate of three (3) per cent. per annum, such interest becoming part of the arrears; and the member shall pay by payroll deduction at least an additional one (1) per cent. of his salary on account thereof.
- (d) Whenever hereafter a member is, without pay, on vacation, sick leave or otherwise absent from the service of the City so as to render it impossible to make the payroll deduction of five (5) per cent. of salary prescribed by this section, such member shall, upon return to the service, pay by payroll deduction at least an additional one (1) per cent. of his salary on account of the aggregate of the payroll deductions which would have otherwise been made but for his absence (herein referred to as "arrears") and such arrears, and such balances thereof as remain from time to time unpaid, shall accumulate at interest at the rate of three (3) per cent. per annum, such interest becoming part of the arrears.
- (e) Where the aggregate amount of the contributions by or on behalf of a member up to the date of becoming a member exceeds five (5) per cent. of his salary from December 1, 1943, payroll deductions in respect to the member shall not commence until the aggregate of the payroll deductions which would otherwise

have

have been made in respect to the member equals the excess, such excess and the balances thereof remaining from time to time to the member's credit meanwhile bearing interest at the rate of three (3) per cent. per annum and such interest becoming part of such excess or credit balance; provided that (a) in the case of a member who leaves the service of the City and whose aggregate service with the City amounts to at least twenty years, any such credit balance shall be paid to him in cash, and (b) if such excess or any part thereof has been used by the member to purchase additional benefits under By-law No. 15939 such as earlier annuity commencement date or longer guaranteed period than five years, the provisions of this paragraph respecting suspension of payroll deductions shall not apply if the full amount of such excess has been so used or shall apply only to the extent of the unused balance of such excess.

- (f) In determining the amount of the aggregate contributions of a member under this subsection, the member shall be credited with contributions made by him under By-law No. 15939 and payments made on his behalf by the City of contributions under said By-law or this plan during any period of war service by the member.

(2) By the City:

Subject to the provisions of paragraph (d), the City shall contribute to the Fund as follows:—

- (a) The sum of \$150,000.00 forthwith after the passing of this by-law;
- (b) In each year an amount equivalent to five (5) per cent. of the aggregate of the salaries of the members for such year;
- (c) The sum of \$620,800.00 in each of the years 1953 to 1992, inclusive, provided that such sum may be reduced in any year if a reduction is justified by an actuarial valuation made on the basis of the benefits then provided for in this by-law and such sum shall be increased in any year if an increase is required by such an actuarial valuation;
- (d) Instead of paying same into the Fund, the City may from time to time pay to the Government Annuities Branch, Ottawa, out of the contributions required by this subsection, such sum or sums as may be necessary to pay the balance of the cost of the annuities purchased by the City under By-law No. 15939 for members who are registered employees under the said By-law.

PENSIONS, BENEFITS AND PRIVILEGES UPON TERMINATION OF SERVICE  
(OTHER THAN BY DEATH)

5. Upon termination of service with the City (other than by death), members shall be entitled to and receive pensions, benefits and privileges in accordance with the following schedule, viz.:

A. Before completion of 20 years of service with the City.

- (1) If the member is a registered employee under By-law No. 15939—  
(a) a paid-up deferred Government of Canada annuity, commencing at age 70, if male, or 65, if female, or at such earlier age as the member may elect which is acceptable to the said Government, of such amount as can be purchased with the member's paid personal contributions to his credit with the Government Annuities Branch, Ottawa, all in accordance with the provisions of said By-law No. 15939, and (b) a return in cash, without interest, of any paid personal contributions to the member's credit in the Fund.
- (2) If the member is not a registered employee under By-law No. 15939—a return in cash, without interest, of the paid personal contributions to the member's credit in the Fund.

B.



B. After completion of 20 years of service with the City (but subject to reduction for arrears as hereinafter provided).

- (1) Upon attaining the age of 65 or later but not later than age 70, if male, or 60 or later but not later than 65, if female—an annual service pension, payable monthly for life but with sixty months' payments payable in any event, equal to (a)  $1\frac{1}{2}\%$  of the annual salary of the member as of July 1st, 1952 (or the next earlier date if salary was not being received on said date) multiplied by the aggregate number of years (including completed months) of service with the City prior to July 1st, 1952, provided that, in the case of a member whose appointment or promotion date governing any salary increase was effective prior to July 1st, 1952, but whose first salary payment at the increased rate was subsequent to July 1st, 1952, the member's salary at the increased rate shall be deemed to be the annual salary of the member as of July 1st, 1952, and (b)  $1\frac{1}{2}\%$  of the member's aggregate salary after July 1st, 1952, until termination of the member's service with the City; provided that, subject to reduction for arrears as aforesaid, no such service pension shall be less than \$750.00 per annum.
- (2) Upon attaining the age of 60 or later but prior to age 65 if male, provided the member has forty or more years of service with the City and termination of service is for a reason other than disability—an annual service pension, payable monthly for life with sixty months' payments payable in any event computed as provided in paragraph (1) under heading "B" of this schedule.
- (3) Upon attaining the age of 60 or later but prior to age 65, if male, or age 55 or later but prior to age 60, if female, provided the member has thirty or more years of service with the City and termination of service is for a reason other than disability—an annual service pension, payable monthly for life with sixty months' payments payable in any event, computed as provided in paragraph (1) under heading "B" of this schedule but reduced, having regard for the member's sex and the member's age last birthday prior to termination of service, in accordance with the following percentage reduction table:—

Prior to Termination of Service Age Last Birthday		Percentage Reduction Pension
Male	Female	
64 years	59 years	8%
63 years	58 years	15%
62 years	57 years	21%
61 years	56 years	27%
60 years	55 years	33%

- (4) Upon termination of service for reasons other than disability in cases not provided for by paragraphs (1), (2) and (3) under heading "B" of this schedule—an annual service pension commencing at age 70, if male, or 65, if female, payable monthly for life with sixty months' payments payable in any event computed as provided in paragraph (1) under heading "B" of this schedule except that the pension may be less than \$750.00 per annum; provided that in lieu thereof the member may elect to accept either
  - (a) an actuarially reduced pension commencing at an earlier age, or
  - (b) (i) if the member is a registered employee under By-law No. 15939, a paid-up Government of Canada Annuity of such amount as can be purchased with the member's paid personal contributions to his credit with the Government Annuities Branch, Ottawa, and a return in cash, without interest, of any paid personal contributions to the member's credit in the Fund;



(ii) if the member is not a registered employee under By-law No. 15939, a return in cash, without interest, of the paid personal contributions to the member's credit in the Fund.

- (5) Where, at the date of termination of service (other than by death), a member owes arrears within the meaning of either paragraph (c) or (d) of subsection 1 of section 4, and, in the case of arrears under said paragraph (c), elected to pay same as therein provided, the amount of pension to which the member would otherwise be entitled under paragraphs (1), (2), (3) or (4) under heading "B" of this schedule, as the case may be, shall be reduced on account of the arrears in accordance with the following table:—

Age last birthday prior to retirement	Reduction of Annual Pension per each \$100 of arrears (incl. interest)	Age last birthday prior to retirement	Reduction of Annual Pension per each \$100 of arrears (incl. interest)
35 years	\$4 80		
36 years	4 80		
37 years	4 92		
38 years	4 92		
39 years	5 04		
40 years	5 04	55 years	\$6 84
41 years	5 16	56 years	6 96
42 years	5 28	57 years	7 20
43 years	5 40	58 years	7 44
44 years	5 52	59 years	7 68
45 years	5 64	60 years	7 92
46 years	5 76	61 years	8 16
47 years	5 88	62 years	8 40
48 years	6 00	63 years	8 64
49 years	6 12	64 years	9 00
50 years	6 24	65 years	9 36
51 years	6 36	66 years	9 72
52 years	6 48	67 years	10 08
53 years	6 60	68 years	10 44
54 years	6 72	69 years	10 92
		70 years	11 40

and where the amount of arrears is less than \$100.00, the pension reduction shall be proportionately less.

#### UPON DISABILITY RETIREMENT AT ANY AGE

6. Any member who has at least twenty years of service with the City may retire or be retired on account of disability in which event the member shall be entitled to and receive an annual disability pension, payable monthly for life with sixty months' payments payable in any event, computed in the same manner as provided in paragraph (1) under heading "B" of the schedule contained in section 5 except that the minimum pension of \$750.00 per annum shall not be subject to reduction for arrears.

7. Where a member who is a registered employee under By-law No. 15939 becomes entitled to a service or disability pension under section 5 or 6, the amount of any retirement or disability annuity to which he is entitled under said By-law No. 15939 shall form part of the pension hereunder.

#### UPON DEATH WHILE IN THE SERVICE

8. In addition to the provisions of By-law No. 15939 respecting repayment, in the case of death, of paid personal contributions to the Government Annuities Branch, Ottawa, there shall, upon the death of any member while in the service of the City, be paid to the beneficiary or beneficiaries, named by the member, if any, otherwise to his estate

- (a) an amount equivalent to the paid personal contributions, if any, to the member's credit in the Fund at the date of his death together with interest thereon at the rate of three (3) per cent. per annum compounded yearly;
- (b) if the member dies after completion of five years of service with the City, the sum of \$500 plus \$100 for each additional completed year of service with the City.

#### BENEFICIARIES

9.—(1) A member may designate any person or persons as his beneficiary or beneficiaries to receive such sum or sums as may be payable hereunder subsequent to his death; and may from time to time change the person or persons so designated; but in the event of failure to designate or there being no designated beneficiary living at the date of the death of the member, such sum or sums shall be paid to the estate of the member.

#### BIRTH CERTIFICATES

- (2) (a) Every member shall within three months after the date of the passing of this by-law or of the date of his permanent appointment, if thereafter, furnish the City with documentary evidence as to the date of his birth. Such evidence may be in the following order of preference:—
  - (i) a birth certificate,
  - (ii) a baptismal certificate,
  - (iii) a copy of the entry in the Family Bible certified to be a true copy by a Notary Public or a Justice of the Peace,
  - (iv) a declaration by a reputable person having cause to know the date of birth of the employee, or
  - (v) a declaration by the employee himself.
- (b) Paragraph (a) shall not apply to a member who has furnished such evidence under By-law No. 15939.

#### SINGLE SUM BENEFIT PAYMENTS

(3) Any single sum benefit or payment provided for in sections 4 (1) (e), 5 and 8 may, at the sole discretion of the Council of the City, be paid in annual instalments not exceeding five without any interest allowance by reason of such deferment.

#### THE FUND

10.—(1) Subject to the provisions of paragraph (b) of subsection 1 of section 4 and of paragraph (d) of subsection 2 of section 4, all contributions whether from the City or from the members contributing hereunder shall be placed in a fund to be known as "The Toronto Civic Employees' Pension and Benefit Fund" (herein referred to as the "Fund") and all payments of pensions, benefits and privileges authorized by this by-law shall be charged against the Fund.

(2) The only charges against the Fund shall be such pensions, benefits and privileges which may accrue from time to time under this by-law. All other charges competent to and in connection with the operation and administration of the by-law shall be borne by the City.

(3) The City Treasurer shall be treasurer of the Fund and the banking account in connection with the Fund shall be placed with a bank with which the City does ordinary business but it shall be kept entirely separate from the City's other accounts.

(4) The City Auditor shall audit the books and reports which shall be kept in connection with this by-law.

(5) Such amounts at the credit of the Fund as are not required for current needs, shall be retained in the bank on deposit, or shall be invested from time to time, in approved securities, by the Committee. Investment securities shall be limited to bonds issued by the Federal Government of Canada, the Government of any of the Provinces of Canada, or bonds guaranteed by any of such governments, or the bonds of any of the Canadian Municipalities.

(6) At the end of five years after this by-law comes into force and the plan has been in operation, the Fund shall be reported on actuarially by a competent actuary, and every five years thereafter.

#### CIVIC EMPLOYEES' PENSION COMMITTEE

11. The Plan shall be administered by the Toronto Civic Employees' Pension Committee (herein referred to as "the Committee") established under By-law No. 15939, all of the provisions of which by-law respecting the election, constitution, powers and duties and other matters relating to the Committee shall apply mutatis mutandis to the administration of the Plan and the Fund by the Committee; and, in addition, the annual report of the Committee to the Council of the City required by said By-law No. 15939 shall include the following matters arising out of this by-law:

(a) Statement of income and disbursements.

(b) Detailed statement of all pensions, benefits and privileges paid or granted during the year, showing (i) with reference to each person retired, the name, age at retirement, rank, cause of retirement, length of service, date of commencement of pension and total amount paid during the year; (ii) with reference to widows, children and other dependents of contributors under the by-law, in each case, the name, age, sex and other relationship to contributor, date of payment or commencement of benefit, amount of benefit, and total amount paid during the year, along with the name, age at death, and length of service of the contributor to whose such dependent or dependents such benefit has been paid.

(c) Detailed statement of the investments of the fund.

(d) Balance sheet as at 31st December.

#### MISCELLANEOUS

12.—(1) Notwithstanding anything hereinbefore contained no member who is a registered employee under By-law No. 15939 shall receive a lesser pension under this by-law than he would have received under By-law No. 15939 but save as aforesaid the Plan supersedes the plan established by By-law No. 15939.

(2) A member may not terminate his membership in the Plan as long as he is in the full-time permanent service of the City and under retirement age.

(3) After the date of the passing of this by-law, a member whose service with the City is finally terminated and who re-enters the service of the City at a later date shall for all purposes of the Plan be deemed to be a new employee; and for the purposes of this subsection a member's service shall be deemed to have been finally terminated when, in the opinion of the Committee, he has left the service of the City without reason to believe that he will be further employed.

(4) A member may not transfer or assign any pension, benefit or privilege under the plan or withdraw or borrow against his contributions hereunder.

(5)

(5) Membership in the Plan shall not constitute a guarantee as to continuation of employment.

ALLAN A. LAMPORT,  
*Mayor.*

GEO. A. WEALE,  
*City Clerk.*

COUNCIL CHAMBER,  
Toronto, December 16, 1952.  
(L.S.)

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No. 18793. A BY-LAW

To amend the Civic Employee Pension By-law No. 18777.

(Passed January 19, 1953.)

The Council of the Corporation of the City of Toronto enacts as follows:

1. By-law No. 18777 being "A By-law Respecting service and disability pensions and other benefits and privileges for Toronto Civic Employees" is amended

- (1) by inserting after the words and figures "By-law No. 15939" in the second line of subsection (1) of section 2 the words and figures "or who by the terms of his employment was required to join the plan established by said By-law No. 15939";
- (2) by striking out the words and figures "at the date of the passing of this by-law, although not a registered employee within the meaning of By-law No. 15939" in the first, second and third lines of subsection (2) of section 2 and inserting in lieu thereof the words, figures and symbols "other than employees mentioned in subsection (1),";
- (3) by inserting the words and figure "subject to the provisions of section 6" at the beginning of clause (b) of paragraph 1 under heading "A" of the schedule contained in section 5;
- (4) by inserting the words and figure "subject to the provisions of section 6" after the words, figures and symbol "By-law No. 15939—" in the first and second lines of paragraph 2 under heading "A" of the schedule contained in section 5;
- (5) by renumbering as subsection (2) of section 6 the section now numbered 6 and by adding to section 6 as subsection (1) the following:

"6.(1) In the case of a member who retires or is retired on account of disability before completion of twenty years of service with the City, the return in cash of any paid personal contributions to the member's credit in the Fund provided for under heading "A" of the schedule contained in section 5 shall be with interest at the rate of two (2) per cent per annum compounded yearly."

ALLAN A. LAMPORT,  
*Mayor.*

GEO. A. WEALE,  
*City Clerk.*

COUNCIL CHAMBER,  
Toronto, January 19, 1953.  
(L.S.)

## No. 18967. A BY-LAW

To amend By-law Number 18777 respecting service and disability pensions and other benefits and privileges for Toronto Civic Employees.

(Passed July 7, 1953.)

The Council of the Corporation of the City of Toronto enacts as follows:

1. By-law Number 18777 being "A By-law Respecting service and disability pensions and other benefits and privileges for Toronto Civic Employees" passed December 16, 1952, is hereby amended:

(1) by striking out clause (i) of sub-section 2 of section 2 and inserting in lieu thereof the following:

"(i) the age of the employee at his latest date of appointment did not exceed 50 years, or, in the case of a female, did not exceed 45 years."

(2) by adding to section 9 thereof subsection (1A) as follows:

"(1A) notwithstanding the provisions of subsection 1, where a member or employee is or was a registered employee within the meaning of By-law No. 15939, the person or persons named by him from time to time as his beneficiary or beneficiaries to receive such sums as may be payable on or after his death under said By-law No. 15939 shall be such employee's or member's beneficiary or beneficiaries to receive such sum or sums as may be payable hereunder subsequent to his death, including (a) any pension, benefit or privilege intended by subsection 4 of section 2; (b) the balance of the sixty months' payments of pension where the employee or member dies after termination of Service with the City but prior to the completion of payments; (c) any death benefit under Section 8."

(3) by adding to section 11 thereof sub-section 2 as follows:

"(2) Subject to the approval of Council, the Committee may make regulations respecting matters of administration of the Plan and the Fund, including regulations respecting proof of length of service, procedure leading to retirement on pension, date of retirement and commencement date of pensions, and financial adjustments of advantage to the Plan and the Fund."

(4) by adding the figure and brackets (1) immediately after the section number 11 in section 11 thereof.

L. H. SAUNDERS,  
*Presiding Officer.*

GEO. A. WEALE,  
*City Clerk.*

COUNCIL CHAMBERS,  
Toronto, July 7, 1953.  
(L.S.)

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No. 19013. A BY-LAW

To amend Toronto Civic Employees' Pension By-law No. 18777 so as to include therein full time permanent employees of The Parking Authority of Toronto.

(Passed November 2, 1953.)

The Council of the Corporation of the City of Toronto enacts as follows:



1. Section 1 of By-law No. 18777 being "A By-law Respecting service and disability pensions and other benefits and privileges for Toronto Civic Employees" is amended

- (1) by adding clause (f) under the definition of "employee" as follows:

"(f) a full time permanent employee of The Parking Authority of Toronto".

- (2) by adding after the words "the Local Board of Health of the City of Toronto" in the second line of the definition of "service of the City" and "service with the City" the words "The Parking Authority of Toronto".

ALLAN A. LAMPORT,  
*Mayor.*

GEO. A. WEALE,  
*City Clerk.*

COUNCIL CHAMBERS,  
Toronto, November 2, 1953.  
(L.S.)

## SCHEDULE B

## No. 19066. A BY-LAW

To require adequate and suitable heat for rented dwelling accommodation.

(Passed February 8, 1954.)

1. Every building or part of a building which is rented or leased as dwelling or living accommodation and which, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord shall, between the 15th day of October in each year and the 15th day of May of the following year, be provided with adequate and suitable heat by or at the expense of the landlord; and for the purpose of this by-law "adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is 68° Fahrenheit.

2. The Medical Officer of Health or any person acting under his instructions, upon the written request of any tenant or lessee, shall enter, inspect and examine at any time the premises in which the dwelling or living accommodation of such tenant or lessee is located, for the purpose of determining whether adequate and suitable heat is being provided for such dwelling or living accommodation; and any person in charge of such premises for the time being, shall render such aid to the Medical Officer of Health or person acting under his instructions, as may be necessary to make such inspection or examination.

3. No person shall obstruct, hinder, delay or prevent the Medical Officer of Health or any person acting under his instructions in the exercise of any power conferred or the performance of any duty imposed by this by-law.

4. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding (exclusive of costs) the sum of two hundred dollars for each offence.

5. Any penalty imposed by or under the authority of this by-law shall be recoverable under The Summary Convictions Act.

6. This by-law shall have effect from the 1st day of October, 1954.

ALLAN A. LAMPORT,  
*Mayor.*

GEO. A. WEALE,  
*City Clerk.*

COUNCIL CHAMBER,  
Toronto, February 8, 1954.  
(L.S.)



## CHAPTER 134

## An Act respecting the Township of Toronto

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS The Corporation of the Township of Toronto <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Township of Toronto Act, 1932* is <sup>1932, c. 94,</sup> repealed. <sup>s. 3, re-pealed</sup>

**2.—(1)** With the approval of the Ontario Municipal Board, <sup>Approval of building by-laws by Municipal Board</sup> the council of the Corporation may pass by-laws to regulate the erection and to provide for the safety of buildings in the same manner and to the same extent as the council of The Corporation of the City of Toronto is empowered under section 3 of *The City of Toronto Act, 1939*, and upon such <sup>1939, c. 73</sup> approval being given every such by-law shall be deemed to have been validated and confirmed.

**(2)** The said Board shall not approve any such by-law until <sup>Public hearing</sup> it has held a public hearing with respect thereto in the Township of Toronto after such notice thereof as the Board may direct.

**(3)** Any disbursements incurred by the said Board in <sup>Expenditures</sup> connection with any such approval shall forthwith be paid by the treasurer of The Corporation of the Township of Toronto upon certificate of the chairman of the said Board.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**4.** This Act may be cited as *The Township of Toronto Act*, <sup>Short title</sup> 1954.





## CHAPTER 135

## An Act respecting the Toronto East General and Orthopedic Hospital

*Assented to April 6th, 1954*  
*Session Prorogued April 6th, 1954*

**W**HEREAS Toronto East General and Orthopedic Hos- Preamble  
 pital by its petition has represented that it is desirable  
 to increase the number of the members of its board of governors  
 to be elected by its subscribers from twelve to not exceeding  
 thirty; and whereas it is expedient to grant the prayer of the  
 petition;

Therefore, Her Majesty, by and with the advice and  
 consent of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

**1.**—(1) Subsection 2 of section 3 of *An Act to incorporate* 1926, c. 116,  
*the Toronto East General Hospital*, being chapter 116 of the s. 3, subs. 2, amended  
 Statutes of Ontario, 1926, is amended by striking out the  
 word “six” in the sixth line and inserting in lieu thereof the  
 word “twelve”.

(2) Subsection 4 of the said section 3, as enacted by section 1926, c. 116,  
 2 of *The Toronto East General Hospital Act, 1931*, is repealed s. 3, subs. 4  
 (1931,  
 and the following substituted therefor: c. 141, s. 2),  
 re-enacted

(4) The Board may by by-law from time to time increase Increase in  
 the number of members to be elected by the sub- members  
 scribed to any number not exceeding thirty, and elected by  
 subscribers  
 where the number is so increased at any time the  
 additional members shall in the first instance be  
 appointed by the Board and shall hold office until  
 the annual meeting of the subscribers next after the  
 dates of their respective appointments and shall  
 thereafter be elected and hold office in accordance  
 with this Act.

**2.** This Act comes into force on the day it receives Royal Commence-  
 Assent. ment

**3.** This Act may be cited as *The Toronto East General and* Short title  
*Orthopedic Hospital Act, 1954.*



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